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7 WRC Consulting Services, Inc. and Lan-Yin Li  
Weber  
8

9 **UNITED STATES DISTRICT COURT**  
10 **CENTRAL DISTRICT OF CALIFORNIA**  
11

12 KIRAN PALLACHULLA, an individual,

13 Plaintiff,

14 vs.

15 WRC CONSULTING SERVICES, INC.,  
a California Corporation; LAN-YIN LI  
16 WEBER, an individual and DOES 1-10,  
inclusive,

17 Defendants.  
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) Case No. \_\_\_\_\_

) (Removed from Orange County  
) Superior Court, Case No. 30-2017-  
) 00910118-CU-CO-CJC)

) **DEFENDANTS WRC**  
) **CONSULTING SERVICES, INC.'S**  
) **AND LAN-YIN LI WEBER'S**  
) **NOTICE OF REMOVAL OF**  
) **ACTION TO FEDERAL COURT**  
) **PURSUANT TO 28 U.S.C.**  
) **SECTIONS 1331 AND 1441(a)**  
) **(FEDERAL QUESTION)**

) Action Filed: March 21, 2017

DEFENDANTS' NOTICE OF REMOVAL TO  
FEDERAL COURT

1 TO THE CLERK OF THE UNITED STATES DISTRICT COURT FOR THE  
2 CENTRAL DISTRICT OF CALIFORNIA:

3 PLEASE TAKE NOTICE that Defendants WRC Consulting Services, Inc.  
4 (“WRC”) and Lan-Yin Li Weber (“Weber”) (collectively, “Defendants”), by and  
5 through their attorneys of record, hereby removes this action from the Superior Court  
6 of the State of California for the County of Orange to the United States District Court  
7 for the Central District of California based on the following:

8 1. On or about March 21, 2017, a civil action was commenced in the  
9 Superior Court for the County of Orange, entitled *Kiran Pallachulla, an individual*  
10 *Plaintiff, vs. WRC Consulting Services, Inc., a California Corporation; Lan-Yin Li*  
11 *Weber, and individual and DOES 1-10, inclusive Defendants*” Orange County  
12 Superior Court Case No. 30-2017-00910119-CU-CO-CJC (the “State Court  
13 Action”).

14 2. On March 27, 2017, Defendants were served with the Summons, Civil  
15 Case Cover Sheet, Complaint, Alternative Dispute Resolution (ADR) Information  
16 Package and Alternative Dispute Resolution (ADR) Stipulation form. Attached  
17 hereto as **Exhibit A** is a true and correct copy of Plaintiff’s Complaint, along with a  
18 copy of the Summons, Civil Case Cover Sheet, Alternative Dispute Resolution  
19 Information Package and Alternative Dispute Resolution Stipulation form with  
20 which Defendants were served.

21 3. Defendants timely filed an answer to Plaintiff’s Complaint in the  
22 Superior Court of California for the County of Orange on April 20, 2017. Attached  
23 hereto as **Exhibit B** is a true and correct copy of Defendant’s Answer in the State  
24 Court Action. The documents attached hereto as Exhibits A and B comprise all  
25 process, pleadings, and orders received or served by Defendants in the State Court  
26 Action.

27 4. As set forth in this Notice of Removal, the State Court Action is  
28 properly removable under 28 U.S.C. section 1441 because this Court has original

1 subject matter jurisdiction of this action under 28 U.S.C. section 1331--Plaintiff's  
2 Complaint raises federal questions, in that it expressly alleges violations of the  
3 Immigration and Nationality Act of 1952 ("INA"), 8 U.S.C. section 1182(n), and the  
4 Fair Labor Standards Act of 1938, as Amended ("FLSA"), 29 U.S.C. section 201, *et*  
5 *seq.*

6       5. More specifically, this Court has original subject matter jurisdiction of  
7 this action under 28 U.S.C. section 1331 based on the allegations in Plaintiff's  
8 Complaint that Defendants violated the terms and conditions of Plaintiff's Labor  
9 Condition Application ("LCA") and his H-1B nonimmigrant visa petition, both  
10 governed by the INA and the federal regulations promulgated thereunder. A United  
11 States employer can petition the federal government to allow a foreign national to  
12 work in the United States as an H-1B nonimmigrant worker under the INA. 8 U.S.C.  
13 § 1101(a)(15)(H)(i)(b), 8 U.S.C. § 1182(n); *Panwar v. Access Therapies, Inc.*, 975  
14 F.Supp.2d 948, 952 (S.D. Ind. 2013). In addition to paying their H-1B employees a  
15 certain wage for time worked, H-1B employers also are required to pay their H-1B  
16 employees for "non-productive time," which are periods of time in which the H-1B  
17 employee is available to work but not assigned work due to a decision by the  
18 employer. This non-productive time is known as "benching." *Id.*; 20 C.F.R.  
19 § 655.731(c)(7).

20       6. To receive an H-1B nonimmigrant classification from the federal  
21 government and employ an H-1B worker, the employer must file and the United  
22 States Department of Labor ("DOL") must certify a LCA. Among other things, the  
23 LCA requires the employer to certify that it will pay the H-1B employee not only for  
24 hours worked at the rates specified in the LCA, but for non-productive time. 8  
25 U.S.C. § 1182(n)(2)(D); 20 C.F.R. § 655.731(c)(7); *Panwar*, 975 F.Supp.2d at 952-  
26 53.

27       7. In his Complaint, Plaintiff alleges that Defendants "were required by  
28 law, pursuant to Plaintiff's H-1B visa to pay wages to Plaintiff at a rate of \$35 per

1 hour for a minimum amount of \$48,000 per annum up to \$68,000 per annum  
2 depending on the number of hours he worked for WRC.” Cplt., ¶ 15 (p. 11)<sup>1</sup>. In  
3 support of his allegations Plaintiff attaches to his Complaint as Exhibit “B” the LCA  
4 filed by Defendant WRC with the DOL as part of its petition to employ Plaintiff as  
5 an H-1B employee. Cplt., ¶ 11 (p. 4) & Exh. B thereto. Plaintiff further alleges,  
6 “Based on the LCA and H-1B approval, Plaintiff should have received a minimum of  
7 \$144,000, in salary from [Defendants]” while employed but only received a total of  
8 \$38,456 (\$18, 209 in 2013, \$15,368 in 2014, and \$4,879 in 2015). Cplt., ¶¶ 18 and  
9 19 (p. 5). As a consequence, Plaintiff alleges, Defendants failed to pay the wages  
10 due Plaintiff “as provided in the LCA and the H-1B petition.” Cplt., ¶ 29 (p. 6). In  
11 fact, Plaintiff’s entire second cause of action is predicated on an alleged violation of  
12 the LCA. Cplt., ¶¶ 28-32 (pp. 6-7).

13 8. In addition, in his ninth cause of action for unlawful deductions,  
14 Plaintiff alleges Defendants required Plaintiff to pay \$3,500 towards processing his  
15 permanent labor certification application in violation of 20 C.F.R. sections  
16 655.731(a) and (c)(1) and 29 C.F.R. sections 531.3. Cplt., ¶¶ 22 and 24 (p. 12). The  
17 INA and the federal regulations promulgated thereunder prohibit the employer from  
18 seeking or receiving payment from the employee for any activity related to obtaining  
19 permanent labor certification. 20 C.F.R. § 656.12(b).

20 9. Moreover, Plaintiff incorporates Defendants’ alleged violations of the  
21 LCA and H-1B petition into all of his causes of action and each of his claims is  
22 grounded on those alleged violations. Cplt., ¶¶ 20, 28, 33, 40, 48, 1 (on p. 10), 9 (on  
23 p. 11), 15 (on p. 11), 21 (on p. 12) and 27 (on p. 13).

24 10. This Court also has original subject matter jurisdiction of this action  
25 under 28 U.S.C. section 1331 based on Plaintiff’s allegations that Defendants

26  
27 <sup>1</sup> Plaintiff begins re-numbering his paragraphs on page 10 so there are two of  
28 paragraphs 1 through 33.

1 violated the FLSA. Plaintiff's eighth cause of action is for "Failure to Pay Wages  
2 Pursuant to the Fair Labor Standards Act." Cplt., p. 11. In that cause of action,  
3 Plaintiff alleges that the FLSA was in full force and effect during the relevant time  
4 period and "bound Defendants." Cplt., ¶ 16 (p. 11). Plaintiff further alleges that the  
5 FLSA required Defendants to pay Plaintiff's wages when due, that Defendants  
6 willfully refused to do so and that as a direct and proximate result of "Defendants'  
7 breach of the Fair Labor Standards Act," Plaintiff is entitled to relief. Cplt., ¶¶ 17-19  
8 (p. 12). In addition, in his tenth cause of action for "Wage Theft," Plaintiff alleges  
9 Defendants "violated the Fair Labor Standards Act" by failing to pay for all work  
10 performed by him. Cplt., ¶¶ 28-31 (p. 13)

11 11. All claims in this action arise out of the same transaction or occurrence  
12 -- namely, Defendants' alleged failure to pay all wages due to Plaintiff for work  
13 performed for WRC. The claims arise under a common nucleus of operative facts  
14 and normally would be tried in a single judicial proceeding. The entire case  
15 therefore is removable under the Court's original pendent jurisdiction. 28 U.S.C.  
16 § 1441(b); *United Mine Workers v. Gibbs*, 383 U.S. 715 (1966).

17 12. Alternatively, if any of the claims in this suit are separate and  
18 independent from any of the others, this Court may in its discretion exercise  
19 jurisdiction over the entire case. 28 U.S.C. § 1441(c).

20 13. Defendants have timely filed their Notice of Removal according to  
21 28 U.S.C. section 1446(b) within 30 days of receiving service of Plaintiff's  
22 Complaint.

23 14. Defendants will promptly serve their Notice to Plaintiff of Removal to  
24 Federal Court and will promptly file that Notice with the Superior Court of the State  
25 of California for the County of Orange.

26 ///

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1       WHEREFORE, Defendants remove the original action brought by Plaintiff,  
2 which now is pending in the Superior Court of the State of California for the County  
3 of Orange, to this Court.

4  
5 Dated: April 20, 2017

CAROTHERS DISANTE & FREUDENBERGER  
Richard M. Green  
Laura L. Saadeh

6  
7  
8 By: /s/ Laura L. Saadeh

Laura L. Saadeh  
Attorneys for Defendants  
WRC Consulting Services, Inc. and Lan-Yin Li  
Weber

# EXHIBIT A

# SUMMONS (CITACION JUDICIAL)

FOR COURT USE ONLY  
(SOLO PARA USO DE LA CORTE)

**ELECTRONICALLY FILED**  
Superior Court of California,  
County of Orange

**03/21/2017 at 01:57:40 PM**

Clerk of the Superior Court  
By Jonathan Aguilar, Deputy Clerk

## NOTICE TO DEFENDANT: (AVISO AL DEMANDADO):

WRC Consulting Services, Inc., a California Corporation;  
Lan-Yin Li Weber, an individual and DOES 1-10, inclusive

## YOU ARE BEING SUED BY PLAINTIFF:

### (LO ESTÁ DEMANDANDO EL DEMANDANTE):

Kiran Pallachulla, an individual

**NOTICE!** You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), or by contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. **¡AVISO!** Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted puede usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California ([www.sucorte.ca.gov](http://www.sucorte.ca.gov)), en la biblioteca de leyes de su condado o en la corte que le queda más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), en el Centro de Ayuda de las Cortes de California, ([www.sucorte.ca.gov](http://www.sucorte.ca.gov)) o poniéndose en contacto con la corte o el colegio de abogados locales. **AVISO:** Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

CASE NUMBER  
(Número del Caso): 30-2017-00910118-CU-CO-CJC

The name and address of the court is:

(El nombre y dirección de la corte es):

Superior Court County of Orange  
700 Civic Center Drive West  
Santa Ana, CA 92701

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

Nishita Patel (SBN 189039) Chugh, LLP.  
15925 Carmentia Road. (562) 229-1220  
Cerritos, California 90703

DATE: 03/21/2017  
(Fecha)

DAVID H. YAMASAKI, Clerk of the Court

Clerk, by  
(Secretario)

*Jonathan Aguilar*

Deputy  
(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

Jonathan Aguilar

### NOTICE TO THE PERSON SERVED: You are served

1. ☒ as an individual defendant.
2. ☐ as the person sued under the fictitious name of (specify):

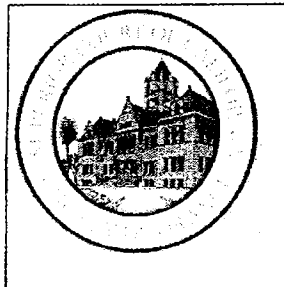
3. ☐ on behalf of (specify):

under:

- ☐ CCP 416.10 (corporation)  
☐ CCP 416.20 (defunct corporation)  
☐ CCP 416.40 (association or partnership)  
☐ other (specify):

- ☐ CCP 416.60 (minor)  
☐ CCP 416.70 (conservatee)  
☐ CCP 416.90 (authorized person)

4. ☐ by personal delivery on (date):



ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): <b>Nishita Patel (SBN 189039)</b> <b>Chugh, LLP.</b> <b>15925 Carmentia Road.</b> <b>Cerritos, California 90703</b> TELEPHONE NO.: (562) 229-1220 FAX NO.: (562) 229-1221 ATTORNEY FOR (Name): Plaintiff, Kiran Pallachulla		<b>FOR COURT USE ONLY</b>  <b>ELECTRONICALLY FILED</b> Superior Court of California, County of Orange  <b>03/21/2017 at 01:57:40 PM</b>  Clerk of the Superior Court By Jonathan Aguilar, Deputy Clerk
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Orange STREET ADDRESS: 700 Civic Center Drive West MAILING ADDRESS: CITY AND ZIP CODE: Santa Ana, CA 92701 BRANCH NAME: Central Justice Center		
CASE NAME: Pallachulla v. WRC Consulting et al.		
<b>CIVIL CASE COVER SHEET</b> <input checked="" type="checkbox"/> <b>Unlimited</b> (Amount demanded exceeds \$25,000) <input type="checkbox"/> <b>Limited</b> (Amount demanded is \$25,000 or less)	<b>Complex Case Designation</b> <input type="checkbox"/> <b>Counter</b> <input type="checkbox"/> <b>Joinder</b> Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)	CASE NUMBER 30-2017-00910118-CU-CO-CJC  JUDGE: Judge Nathan Scott DEPT:

Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:

<b>Auto Tort</b> <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46)  <b>Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort</b> <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other PI/PD/WD (23)  <b>Non-PI/PD/WD (Other) Tort</b> <input type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-PI/PD/WD tort (35)  <b>Employment</b> <input type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)	<b>Contract</b> <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Rule 3.740 collections (09) <input type="checkbox"/> Other collections (09) <input type="checkbox"/> Insurance coverage (18) <input checked="" type="checkbox"/> Other contract (37)  <b>Real Property</b> <input type="checkbox"/> Eminent domain/inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26)  <b>Unlawful Detainer</b> <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38)  <b>Judicial Review</b> <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	<b>Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403)</b> <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41)  <b>Enforcement of Judgment</b> <input type="checkbox"/> Enforcement of judgment (20)  <b>Miscellaneous Civil Complaint</b> <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42)  <b>Miscellaneous Civil Petition</b> <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)
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2. This case ☐ is ☒ is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- |  |  |
|--|--|
| a. <input type="checkbox"/> Large number of separately represented parties<br>b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve<br>c. <input type="checkbox"/> Substantial amount of documentary evidence | d. <input type="checkbox"/> Large number of witnesses<br>e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court<br>f. <input type="checkbox"/> Substantial postjudgment judicial supervision |
|--|--|
3. Remedies sought (check all that apply): a. ☒ monetary b. ☐ nonmonetary; declaratory or injunctive relief c. ☐ punitive
4. Number of causes of action (specify): TEN
5. This case ☐ is ☒ is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: 3/20/2017

Nishita Patel

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

#### NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

Page 1 of 2

## INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

**To Plaintiffs and Others Filing First Papers.** If you are filing a first paper (for example, a complaint) in a civil case, you must complete and file, along with your first paper, the *Civil Case Cover Sheet* contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check one box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the primary cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

**To Parties in Rule 3.740 Collections Cases.** A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than \$25,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

**To Parties in Complex Cases.** In complex cases only, parties must also use the *Civil Case Cover Sheet* to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

## CASE TYPES AND EXAMPLES

<b>Auto Tort</b> Auto (22)-Personal Injury/Property Damage/Wrongful Death Uninsured Motorist (46) <i>(if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto)</i>  <b>Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort</b> Asbestos (04) Asbestos Property Damage Asbestos Personal Injury/Wrongful Death Product Liability <i>(not asbestos or toxic/environmental)</i> (24) Medical Malpractice (45) Medical Malpractice-Physicians & Surgeons Other Professional Health Care Malpractice Other PI/PD/WD (23) Premises Liability (e.g., slip and fall) Intentional Bodily Injury/PD/WD (e.g., assault, vandalism) Intentional Infliction of Emotional Distress Negligent Infliction of Emotional Distress Other PI/PD/WD  <b>Non-PI/PD/WD (Other) Tort</b> Business Tort/Unfair Business Practice (07) Civil Rights (e.g., discrimination, false arrest) <i>(not civil harassment)</i> (08) Defamation (e.g., slander, libel) (13) Fraud (16) Intellectual Property (19) Professional Negligence (25) Legal Malpractice Other Professional Malpractice <i>(not medical or legal)</i> Other Non-PI/PD/WD Tort (35)  <b>Employment</b> Wrongful Termination (36) Other Employment (15)	<b>Contract</b> Breach of Contract/Warranty (06) Breach of Rental/Lease Contract <i>(not unlawful detainer or wrongful eviction)</i> Contract/Warranty Breach-Seller Plaintiff <i>(not fraud or negligence)</i> Negligent Breach of Contract/Warranty Other Breach of Contract/Warranty Collections (e.g., money owed, open book accounts) (09) Collection Case-Seller Plaintiff Other Promissory Note/Collections Case Insurance Coverage <i>(not provisionally complex)</i> (18) Auto Subrogation Other Coverage Other Contract (37) Contractual Fraud Other Contract Dispute  <b>Real Property</b> Eminent Domain/Inverse Condemnation (14) Wrongful Eviction (33) Other Real Property (e.g., quiet title) (26) Writ of Possession of Real Property Mortgage Foreclosure Quiet Title Other Real Property <i>(not eminent domain, landlord/tenant, or foreclosure)</i>  <b>Unlawful Detainer</b> Commercial (31) Residential (32) Drugs (38) <i>(if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential)</i>  <b>Judicial Review</b> Asset Forfeiture (05) Petition Re: Arbitration Award (11) Writ of Mandate (02) Writ-Administrative Mandamus Writ-Mandamus on Limited Court Case Matter Writ-Other Limited Court Case Review Other Judicial Review (39) Review of Health Officer Order Notice of Appeal-Labor Commissioner Appeals	<b>Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400-3.403)</b> Antitrust/Trade Regulation (03) Construction Defect (10) Claims Involving Mass Tort (40) Securities Litigation (28) Environmental/Toxic Tort (30) Insurance Coverage Claims <i>(arising from provisionally complex case type listed above)</i> (41)  <b>Enforcement of Judgment</b> Enforcement of Judgment (20) Abstract of Judgment (Out of County) Confession of Judgment <i>(non-domestic relations)</i> Sister State Judgment Administrative Agency Award <i>(not unpaid taxes)</i> Petition/Certification of Entry of Judgment on Unpaid Taxes Other Enforcement of Judgment Case  <b>Miscellaneous Civil Complaint</b> RICO (27) Other Complaint <i>(not specified above)</i> (42) Declaratory Relief Only Injunctive Relief Only <i>(non-harassment)</i> Mechanics Lien Other Commercial Complaint Case <i>(non-tort/non-complex)</i> Other Civil Complaint <i>(non-tort/non-complex)</i>  <b>Miscellaneous Civil Petition</b> Partnership and Corporate Governance (21) Other Petition <i>(not specified above)</i> (43) Civil Harassment Workplace Violence Elder/Dependent Adult Abuse Election Contest Petition for Name Change Petition for Relief from Late Claim Other Civil Petition
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1 Navneet S. Chugh (State Bar #162050)  
2 Nishita Patel (State Bar #189039)  
3 **CHUGH LLP**  
4 A Professional Corporation  
15925 Carmenita Road  
Cerritos, CA 90703

5 Telephone: (562) 229-1220  
6 Facsimile: (562) 229-1221

7 Attorneys for: Plaintiff, Kiran Pallachulla,  
8

9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
10 **COUNTY OF ORANGE**

Judge Nathan Scott

11 Kiran Pallachulla, an individual )  
12 )  
13 ) Plaintiff, )

Case No. 30-2017-00910118-CU-CO-CJC

14 vs.  
15 )  
16 )  
17 )

17 WRC Consulting Services, Inc., a California )  
18 Corporation; Lan-Yin Li Weber, an )  
19 individual and DOES 1-10, inclusive )

20 Defendants. )  
21 )  
22 )  
23 )  
24 )  
25 )  
26 )  
27 )  
28 )

**COMPLAINT FOR:**

1. FAILURE TO PAY WAGES  
PURSUANT TO THE  
CALIFORNIA LABOR CODE
2. FAILURE TO PAY THE WAGES  
STIPULATED UNDER THE  
LABOR CONDITION  
APPLICATION
3. PAY STUB VIOLATIONS
4. UNFAIR BUSINESS PRACTICES  
- BUSINESS & PROFESSIONS  
CODE SECTION 17200 et seq.
5. WAITING TIME PENALTIES
6. PROMISSORY FRAUD
7. BREACH OF CONTRACT
8. FAILURE TO PAY WAGES  
PURSUANT TO THE FAIR  
LABOR STANDARDS ACT
9. UNLAWFUL DEDUCTIONS and  
VIOLATION OF LABOR CODE  
§§ 221, 450
10. WAGE THEFT

**JURY TRIAL DEMANDED**

Chugh,  
LLP.

1 Plaintiff, KIRAN PALLACHULLA, an individual ("Plaintiff") hereby alleges as follows:

2 **PARTIES**

3 1. Plaintiff, KIRAN PALLACHULLA ("Plaintiff"), is a citizen of India, and  
4 currently resides in Del Mar, California. From October 2012 to July 2016, Plaintiff resided in  
5 Orange County, California.  
6

7 2. Defendant, WRC Consulting Services, Inc., ("WRC") is a corporation organized  
8 under the laws of the State of California and doing business in the State of California.  
9

10 3. Defendant, Lan-Yin Weber ("Weber") is an individual and is the owner and  
11 principle of the WRC.

12 4. Plaintiff is ignorant of the true names and capacities, whether individual, corporate  
13 or otherwise of Defendants sued herein as DOES 1-10, inclusive and therefore sues these  
14 Defendants by such fictitious names. Plaintiff is informed and believes and thereon alleges that  
15 each of these fictitiously named Defendants is responsible in some manner for the occurrences  
16 herein alleged, and that Plaintiff's injuries as herein alleged were proximately caused by the  
17 conduct of the aforementioned Defendants.  
18

19 5. Plaintiff is informed and believes and therefore alleges that at all relevant times  
20 each of Defendants were the agent and/or principal of the other and acted within the course and  
21 scope of such agency or employment. Plaintiff is informed and believes and thereon alleges that  
22 each and every wrongful act by Defendants complained of herein was done with the approval,  
23 express or implied, of each of the other Defendants, and each Defendant has ratified and approved  
24 the acts and omissions of each of the others.  
25

26 6. Plaintiff is informed and believes and thereon alleges that at all times material  
27 herein that each of the fictitiously named defendants, was either the true defendant, alter ego of a  
28 named defendant, or the agent and employee of each other defendant and in doing the things

1 alleged herein, was acting within the scope and purpose of such agency and with the permission  
2 and consent of, and their actions were ratified by, the other defendants.

### 3 VENUE

4  
5 7. Venue is proper in the County of Orange because Defendant, WRC located in  
6 Santa Ana, California.

### 7 ALLEGATIONS REGARDING ALTER EGO LIABILITY

8 8. Plaintiff is informed and believes and thereupon alleges that during the relevant  
9 periods hereto, WRC was a mere shell acting as the alter ego of Weber and was operating without  
10 sufficient capitalization or observation of legal formalities. The adherence to the fiction of the  
11 separate existence of the defendant corporation as an entity distinct from said individual  
12 defendant would permit an abuse of the corporate privilege and promote injustice, in that said  
13 defendants have not maintained corporate books and records, have disregarded corporate  
14 formalities, have failed to disclose liabilities of the company and defendant Weber has completely  
15 controlled and dominated and operated WRC to suit her convenience and said company is an has  
16 been undercapitalized and the assets and expenses of WRC have been commingled with those of  
17 Weber. Further, Weber is using defendant WRC as a shield against personal liability.  
18

### 19 GENERAL ALLEGATIONS

20  
21 9. Defendants, WRC and Weber utilize the H-1B program to hire foreign  
22 professional on a temporary basis. At times, WRC would place such foreign professional as  
23 temporary and contract worker with WRC's clients. In order to be eligible to hire workers on H-  
24 1B visas, an employer like WRC must certify to the United States government that it meets  
25 certain conditions, and once it hires H-1B workers, it is then subject to certain regulations  
26 governing their employment.  
27  
28

1           10. On February 1, 2013, Plaintiff, a non-immigrant worker, accepted WRC's  
2 employment offer for the position of Water Resources Engineer, beginning on March 1, 2013.  
3 2016. A true and correct copy of the offer letter is attached herewith and incorporated by  
4 reference as Exhibit A.

6           11. On or about February 3, 2013, Weber on behalf of WRC filed a labor condition  
7 application ("LCA") with the United States Department of Labor, to employ an H-1B worker as a  
8 Water Resources Engineer, on a part-time basis, at an hourly wage rate of \$35 per hour. The said  
9 LCA was approved and certified by the United States Department of Labor on February 6, 2013  
10 (case number: 1-200-13031-724740). The certification of LCA by Department of Labor is a  
11 precondition to filing an H-1B petition. A true and correct copy of the LCA is attached herewith  
12 and incorporated by reference as Exhibit B.

14           12. On or about February 8, 2013, Weber on behalf of WRC filed H-1B petition for  
15 Plaintiff, with the Department of Homeland Security, for Plaintiff to work as a Water Resources  
16 Engineer, on a part-time basis, for a minimum of 24 hours per week. A true and correct copy of  
17 the H-1B petition (I-129 Petition for a Nonimmigrant Worker) is attached herewith and  
18 incorporated by reference as Exhibit C.

20           13. On or about February 26, 2013, the Department of Homeland Security approved  
21 the H-1B petition, basically granting Plaintiff H-1B visa and authorizing Plaintiff to be employed  
22 by WRC from March 1, 2013 to February 29, 2016. A true and correct copy of the I-797A,  
23 Notice of Action, is attached herewith and incorporated by reference as Exhibit D.

25           14. Plaintiff started his employment at WRC, as Water Resources Engineer, on March  
26 1, 2013 and worked for WRC as Water Resources Engineer till February 29, 2016. During his  
27 employment with WRC, Plaintiff was placed as a temporary and contract worker with WRC's  
28 clients.

15. WRC and Weber were required by law, pursuant to Plaintiff's H-1B visa to pay wages to Plaintiff at a rate of \$35 per hour for a minimum amount of \$48,000 per annum up to \$68,000 per annum depending on the number of hours he worked for WRC.

16. WRC and Weber were required by law, pursuant to Plaintiff's H-1B visa to assign work and pay Plaintiff for a minimum of 24 hours per week, during Plaintiff's employment with WRC.

17. Plaintiff has always made himself available to work for WRC (even on weekends and afterhours) and has at time worked in excess of 40 hours for WRC.

18. During Plaintiff's employment with WRC, WRC and Weber compensated Plaintiff for his services in the following amounts: \$18,209 in 2013; \$15,368 in 2014 and \$4,879 in 2015.

19. Based on the LCA and H-1B approval, Plaintiff should have received a minimum of \$144,000, in salary from WRC and Weber.

**FIRST CAUSE OFF ACTION**

## FAILURE TO PAY WAGES PURSUANT TO THE CALIFORNIA LABOR CODE

**(As to All Defendants)**

20. The allegations set forth in all the preceding paragraphs of the complaint are re-alleged and incorporated herein by reference.

21. At all times herein mentioned, the California Labor Code, including without limitation, §204 were in full force and effect and bound Defendants.

22. California Labor Code §§200 *et seq.* required Defendants to the pay Plaintiff all wages when due, and to provide Plaintiff with an itemized statement of earnings showing all deductions being made.

1       23.     During the time that Plaintiff was employed by WRC, WRC failed to timely pay  
2 Plaintiff wages due to him as set for the herein.

3       24.     Under federal law, WRC was obligated to pay Plaintiff the wages promised to him  
4 and reported to the United States government in connection with his H-1B petition for the entire  
5 duration of the reported period, including periods when Plaintiff was not assigned to WRC's  
6 client.  
7

8       25.     Defendants have willfully refused to pay all of Plaintiff's wages that are due to  
9 him.  
10

11       26.     As a legal and proximate result of Defendant's breaches of the Labor Code,  
12 Plaintiff is entitled to recover all wages owed, as well as interest on the late payment and any  
13 unpaid principle and reasonable attorneys' fees and costs, all in an amount to be proved at trial.

14       27.     Plaintiff therefore prays for relief as set forth below.  
15

16  
17                   **SECOND CAUSE OF ACTION**

18                   **FAILURE TO PAY THE WAGES STIPULATED UNDER THE LABOR**

19                   **CONDITION APPLICATION**

20                   **(As to All Defendants)**

21  
22       28.     The allegations set forth in all the preceding paragraphs of the complaint are re-  
23 alleged and incorporated herein by reference.

24       29.     As alleged above, during Plaintiff's employment with WRC, WRC failed to pay all  
25 of Plaintiff's wages that are due to him, as provided in the LCA and the H-1B petition.

26       30.     During Plaintiff's employment with WRC, Plaintiff has performed all of the acts  
27 required to be performed on his part to receive the said wages.  
28

31. As a legal and proximate result of Defendants' failure to pay the statutory minimum wage, to recover all wages owed, as well as interest on the late payment and any unpaid principle and reasonable attorneys' fees and costs, all in an amount to be proved at trial.

32. Plaintiff therefore prays for relief as set forth below.

### THIRD CAUSE OF ACTION

## PAY STUB VIOLATIONS

**(As to All Defendants)**

33. The allegations set forth in all the preceding paragraphs of the complaint are re-alleged and incorporated herein by reference.

34. Labor code section 226 requires that, at each time for payment of wages, an employer must furnish each employee with a pay stub reflecting *inter alia* gross wages earned during that pay period.

35. Defendants were required to maintain accurate and itemized wages statements from Plaintiff. However, the wage statements reflecting the payment of Plaintiff's wages were inaccurate to the extent they failed to reflect the actual hours Plaintiff worked for Defendants.

36. Defendants' failure to comply with the Labor Code section 226 was knowing and intentional.

37. Plaintiff has suffered and will suffer injury as a result of Defendants' non-compliance with the Labor Code section 226.

38. Thus, Plaintiff seeks statutory penalties, attorneys' fees and costs from Defendants, in the amounts to be proven at trial.

39. Plaintiff therefore prays for relief as set forth below.

1 **FOURTH CAUSE OF ACTION**

2 **UNFAIR BUSINESS PRACTICES – BUSINESS & PROFESSIONS CODE SECTION**

3 **17200 et seq.**

4 **(As to All Defendants)**

5  
6 40. The allegations set forth in all the preceding paragraphs of the complaint are re-  
7 alleged and incorporated herein by reference.

8 41. Business and Professions Code section 17200 prohibits any unlawful, unfair or  
9 fraudulent business practices. An “unlawful” business practice includes any violation of the law.  
10

11 42. By and through the acts alleged above, Defendants’ conduct was unlawful, in  
12 violation of Labor Code sections 200 and 226, among others.

13 43. The pattern and practice of conduct of Defendants and its agents as described  
14 above violates federal regulation governing the H-1B visa program, including but not limited to,  
15 those provisions which give rise to an employer’s obligation to pay the H-1B employees the  
16 required and agreed upon wages as required per LCA, to pay the required wages to H-1B  
17 employees in circumstances where that employee is not performing work and is in a  
18 nonproductive status due to a decision by employer, by not providing Plaintiff pay stubs reflecting  
19 the amount of wages earned by him and not paying Plaintiff all wages due to him at the time of  
20 termination.  
21

22  
23 44. As a result Defendants engaged in unfair, unlawful and fraudulent business  
24 practices in violation of Business & Professions Code section 17200 et seq.

25 45. Defendants have been unjustly enriched by their unfair, unlawful and fraudulent  
26 business practices and should be required to disgorge its unjustly acquired gains, pursuant to the  
27 Business & Professions Code section 17203, in an amount to be determined at trial.  
28

1           46.     Plaintiff seeks restitution and costs from Defendants, in the amounts to be proven  
2 at trial.

3  
4           47.     Plaintiff therefore prays for relief as set forth below.

5  
6                               **FIFTH CAUSE OF ACTION**

7                               **WAITING TIME PENALTIES**

8                               **(As to all Defendants)**

9  
10           48.     The allegations set forth in all the preceding paragraphs of the complaint are re-  
11 alleged and incorporated herein by reference.

12           49.     Labor Code Section 203 provides that if an employer willfully fails to pay, in  
13 accordance with Sections 201, 201.3, 201.5, 201.9, 202, and 205.5, any wages of an employee  
14 who quits, the wages of the employee shall continue as a penalty from the due date thereof at the  
15 same rate until paid or until an action therefor is commenced; but the wages shall not continue for  
16 more than 30 days.

17  
18           50.     As alleged above, Plaintiff quit his employment with WRC on February 29, 2016,  
19 however, Defendants have failed to pay all of Plaintiff's wages and has still not paid all of the  
20 said wages.

21  
22           51.     Defendants' failure to pay wages in accordance with Labor code was willful.

23           52.     Pursuant to Labor Code Section 203, the Court order Defendants to pay penalty in  
24 the amount of 30 days of wages, as well as interest at the legal rate and reasonable attorneys' fees  
25 and costs.

26           53.     Plaintiff therefore prays for relief as set forth below.  
27  
28

1 **SIXTH CAUSE OF ACTION**

2 **PROMISSORY FRAUD**

3 **(As to All Defendants)**

4  
5 1. The allegations set forth in all the preceding paragraphs of the complaint are re-  
6 alleged and incorporated herein by reference.

7 2. As alleged above, Defendants represented and promised Plaintiff that if he  
8 accepted employment with WRC, WRC would employ and pay Plaintiff all the wages and other  
9 compensation and benefits reflected in the written offer letter, LCA and the H-1B petition.  
10

11 3. Plaintiff alleges that Defendants had no intention to perform their promise to pay  
12 Plaintiff at the time that they made that promise. Plaintiff was unaware and ignorant of the  
13 Defendant's intentions not to perform and Plaintiff could not, in the exercise of reasonable  
14 diligence, have discovered Defendants' secret intention.  
15

16 4. In reliance of Defendants' promises, Plaintiff provided his services as a Water  
17 Resources Engineer. Plaintiff respectfully submits that there were even times when he worked on  
18 weekends and spent many valuable hours to complete the work assigned to him by Defendants.  
19

20 5. Defendants, on the other hand, failed to abide by their promise to pay.

21 6. As a proximate result of representations of WRC and its agents, as alleged herein,  
22 Plaintiff has sustained damages in the amount according to proof.

23 7. The aforementioned conduct of Defendants was an intentional misrepresentation,  
24 deceit, or concealment of a material fact known to Defendants with the intention on their part and  
25 thereby depriving Plaintiff of property or legal rights or otherwise causing injury, and was  
26 despicable conduct that subjected Plaintiff to a cruel and unjust hardship in conscious disregard of  
27 him, so as to justify an award of exemplary and punitive damages against Defendants.  
28

8. Plaintiff therefore, prays for relief as set forth below.

1 **SEVENTH CAUSE OF ACTION**

2 **BREACH OF CONTRACT**

3 **(As to all Defendants)**

4  
5 9. The allegations set forth in all the preceding paragraphs of the complaint are re-  
6 alleged and incorporated herein by reference.

7 10. Plaintiff and Defendants entered into employment contract whereby Plaintiff  
8 provided his services as a Water Resources Engineer and Defendants agreed and were required to  
9 pay Plaintiff annual salary of a sum certain.

10  
11 11. Plaintiff has performed all of his obligations under the contract with the Defendant  
12 Company.

13 12. Defendants breached the subject contract by, *inter alia*, refusing to pay Plaintiff  
14 the agreed upon salary.

15  
16 13. As a result of the direct and proximate result of Defendants' breach of contract,  
17 Plaintiff has suffered damages in an amount to be proven at trial.

18 14. Plaintiff therefore, prays for relief as set forth below.  
19  
20

21 **EIGHTH CAUSE OF ACTION**

22 **FAILURE TO PAY WAGES PURSUANT TO THE FAIR LABOR STANDARDS ACT**

23 **(As to All Defendants)**

24 15. The allegations set forth in all the preceding paragraphs of the complaint are re-  
25 alleged and incorporated herein by reference.

26 16. At all times herein mentioned, the Fair Labor Standards Act, 29 USC §206 *et seq*  
27 were in full force and effect and bound Defendants.  
28

1 17. Fair Labor Standards Act, 29 USC §206 *et seq* required Defendants to pay  
2 Plaintiff's wages when due.

3 18. Defendants have willfully refused to pay Plaintiff his wages due.

4 19. As a result of the direct and proximate result of Defendants' breach of Fair Labor  
5 Standards Act, Plaintiff is entitled to unpaid wages with interest at the legal rate and costs and  
6 attorney fees incurred in this matter by Plaintiff.  
7

8 20. Plaintiff therefore, prays for relief as set forth below.  
9

10  
11 **NINTH CAUSE OF ACTION**

12 **UNLAWFUL DEDUCTIONS and VIOLATION OF LABOR CODE §§ 221, 450**

13 **(As to All Defendants)**

14 21. The allegations set forth in all the preceding paragraphs of the complaint are re-  
15 alleged and incorporated herein by reference.  
16

17 22. Defendants violated 20 CFR 655.731(a)&(c)(10) and 29 CFR sections 531.3 *et seq*  
18 and California Labor Code section 221 which prohibit employers from using self-help deductions.

19 23. Pursuant to Labor Code section 450, it is unlawful for an employer to compel an  
20 employee or a job applicant to pay a fee or to purchase anything of value from the employer or  
21 anyone else.  
22

23 24. Defendants violated these sections by making deductions from Plaintiff's wages,  
24 and taking an amount of \$3,500 from Plaintiff towards processing Plaintiff's permanence labor  
25 certification application. This is in violation of California Labor Code.

26 25. As a direct and proximate result of Defendants' actions, Plaintiff is entitled to the  
27 value of these unlawful deductions including the \$3,500 unlawfully taken from Plaintiff as well as  
28 interest, reasonable attorney's fees and costs.

1           26.     Plaintiff therefore, prays for relief as set forth below.  
2  
3

4                               **TENTH CAUSE OF ACTION**

5                               **WAGE THEFT**

6                               **(As to All Defendants)**

7           27.     The allegations set forth in all the preceding paragraphs of the complaint are re-  
8 alleged and incorporated herein by reference.  
9

10          28.     Defendants violated the provisions of the Fair Labor Standards Act and Wage  
11 Theft Protection Act which requires that specified information be provided to employees at the  
12 time of hire.

13          29.     On information and belief, Plaintiff alleges that the Defendant required Plaintiff on  
14 various occasions to under-report number of hours he worked.  
15

16          30.     Plaintiff has information and belief that Defendants received payment from their  
17 clients for the work performed by Plaintiff based on the falsified time sheets submitted by  
18 Defendants to such customers.

19          31.     Pursuant to Fair Labor Standards Act, the Wage Theft Protection Act and the  
20 California Labor Code, Plaintiff is legally required to be paid for all the work performed by him  
21 that benefits Defendants.  
22

23          32.     Plaintiff is therefore, entitled to wages for all the work he performed for  
24 Defendants, interest at the legal rate and costs and attorney fees incurred in this matter by  
25 Plaintiff.  
26

27          33.     Plaintiff therefore, prays for relief as set forth below.  
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III. RELIEF AND PRAYER SOUGHT

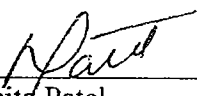
WHEREFORE, Plaintiff prays for judgment against Defendants as follows:

1. Damages according to proof;
2. Restitution for all wages and other amounts owing to Plaintiff
3. Disgorgement of all gains unjustly acquired by Defendants;
4. All penalties available under California law;
5. Attorneys' fees and costs, including expert fees and expenses as provided by California law;
6. Punitive Damages
7. Prejudgment and post-judgment interest at the maximum legal rate; and
8. Such other relief as the Court deems just and proper.

Plaintiff hereby demands a jury trial.

Respectfully submitted,  
CHUGH LLP

March 20, 2017

By:   
Nishita Patel  
Attorney for Defendants

# **Exhibit A**



February 1, 2013

U.S. Citizenship and Immigration Services  
California Service Center at: P.O. Box 10698,  
Laguna Niguel, CA 92607-1098

**Subject: Form I-129, Nonimmigrant Petition for Extension of H-1B Classification of  
Kiran Pallachulla, Water Resources Engineer for Concurrent Employment**

Dear Sir or Madam,

I am writing this letter in support of H-1B sponsorship for Mr. Kiran Pallachulla. WRC Consulting Inc. wishes to sponsor Mr. Pallachulla for the professional position of Water Resources Engineer. Through your authorization we wish to sponsor Mr. Pallachulla for a period of 3 years starting March 1, 2013 or when this request is granted.

WRC is a full-service, multi-disciplinary consulting firm specializing in Water Resources, Recreational Facilities, and Civil Engineering. WRC provides turnkey services involving grading, drainage, access/street, parking, water, sewer, and landscape. WRC applied the combined expertise of Civil, Landscape, Hydrology/Hydraulics and Water Quality to civil engineering services. To address the floodplain management issues for the state of department of water resources, we applied complicated GIS, CADD, hydraulic and water quality modeling techniques. To meet the demanding schedule, we need more hydraulic engineers to perform concurrent tasks.

Mr. Pallachulla is offered a position as Hydraulic Engineer with minimum of 24 hours per week. His duties and responsibilities involve:

1. Review GIS and survey data provided by our clients
2. Prepare one dimensional hydraulic models
3. Prepare two dimensional hydraulic models
4. Run hydraulic models
5. Perform project design
6. Prepare exhibits and reports
7. Provide QA/QC on project analysis or design performed by others

Mr. Pallachulla is qualified to perform these duties as he has extensive experience performing floodplain mapping, hydraulic calculations, hydraulic design, report preparation, GIS application and drainage studies with previous employments. Mr. Pallachulla also has significant water

quality monitoring and analysis expertise through previous involvement with Aetheron Scientific, Inc., Weston Solutions, Resource Technology Inc. and GRAM Inc. He has also reviewed projects to ensure Quality Control and Quality Assurance. Mr. Pallachulla has good communication skills and he has given presentations at various conferences, to government agencies and clients.

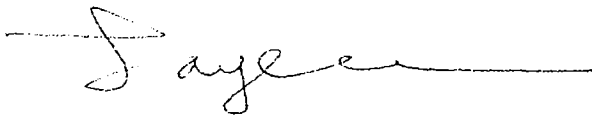
These credentials make Mr. Pallachulla particularly well-suited for this position. His extensive knowledge and experience will be valuable for us to provide engineering analysis and design and meet our state and federal clients' project goals.

We request that your immediate assistance in reviewing this application and approving the H1-B visa extension for Mr. Pallachulla. WRC Consulting Services, Inc. will comply with the requirements as his employer under the H1-B visa.

Thank you for your time and co-operation in this matter.

Sincerely,

**WRC CONSULTING SERVICES, INC.**

A handwritten signature in black ink, appearing to read 'Lan Weber', with a long horizontal line extending to the right.

Lan Weber, P.E., Ph.D.  
( Lan-Yih L. Weber )  
President and Principal Engineer



February 1, 2013

**Personal**

Mr. Kiran Pallachulla  
23172 Via Tuscany,  
Laguna Niguel, CA 92677

Re: **Offer of Employment**

Dear Mr. Pallachulla:

WRC Consulting Services, Inc. ("WRC"), is pleased to make you an offer of employment with WRC on the terms in this letter. The terms are as follows:

This will be a Water Resources Engineer position beginning March 1, 2013. Once accepted, you are responsible to perform the work assignments from the WRC Principal Engineer during employment period.

You agree to complete any projects in which you are a key personnel and hold primary detailed project knowledge; these include but are not limited to the projects with the Department of Water Resources.

You will be a non-exempt employee with the title of "Water Resources Engineer". Starting date will be no later than March 1, 2013. Your principal job responsibilities will be

- Review GIS and survey data provided by our clients
- Prepare one-dimensional hydraulic models
- Prepare two-dimensional hydraulic models
- Run hydraulic models
- Perform project design
- Prepare exhibits and reports
- Provide QA/QC on project analysis or design performed by others

Other responsibilities will include project coordination, engineering analysis, calculations, design and preparation of design plans and estimates using Excel, Word, GIS and CADD. You will be responsible for other assignments such as cost management, client meetings, field evaluation, presentation preparation, proposal assistance, and other office administration and clerical assistance.

Your compensation includes:

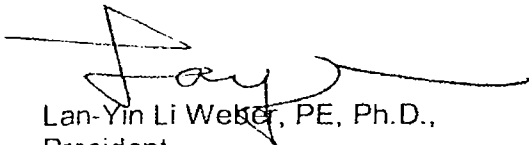
- Salary will be \$ 34.00/hr or \$ 2,720.00 per pay period of 80 hours.
- You will be given reimbursable expense including auto expenses, and other company authorized purchase.
- You will be covered by WRC's worker's compensation plan.

You have an initial two-week Probation Period. Your continued employment will depend on your performance during your employment. You must inform WRC one month in advance if you intend to leave WRC.

If the terms of this offer are acceptable to you, please sign this letter in the space indicated below and return it to me by facsimile at (949) 833-8380 or email at lweber@wrcinc.net. We look forward to working with you.

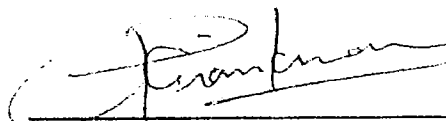
Sincerely,

WRC Consulting Services, Inc.



Lan-Yin Li Weber, PE, Ph.D.,  
President

THE TERMS OF THE ABOVE LETTER  
ARE HEREB ACCEPTED.



Ktran Pallachulla

2/1/2013  
Date

# **Exhibit B**

Labor Condition Application for Nonimmigrant Workers  
ETA Form 9035 & 9035E  
U.S. Department of Labor



**Electronic Filing of Labor Condition Applications  
For The H-1B Nonimmigrant Visa Program**

This Department of Labor, Employment and Training Administration (ETA), electronic filing system enables an employer to file a Labor Condition Application (LCA) and obtain certification of the LCA. This Form must be submitted by the employer or by someone authorized to act on behalf of the employer.

A) I understand and agree that, upon my receipt of ETA's certification of the LCA by electronic response to my submission, I must take the following actions at the specified times and circumstances:

- print and sign a hardcopy of the electronically filed and certified LCA;
- maintain a signed hardcopy of this LCA in my public access files;
- submit a signed hardcopy of the LCA to the United States Citizenship and Immigration Services (USCIS) in support of the I-129, on the date of submission of the I-129;
- provide a signed hardcopy of this LCA to each H-1B nonimmigrant who is employed pursuant to the LCA.

☒ Yes ☐ No

B) I understand and agree that, by filing the LCA electronically, I attest that all of the statements in the LCA are true and accurate and that I am undertaking all the obligations that are set out in the LCA (Form ETA 9035E) and the accompanying instructions (Form ETA 9035CP).

☒ Yes ☐ No

C) I hereby choose one of the following options, with regard to the accompanying instructions:

☐ I choose to have the Form ETA 9035CP electronically attached to the certified LCA, and to be bound by the LCA obligations as explained in this form

☒ I choose not to have the Form ETA 9035CP electronically attached to the certified LCA, but I have read the instructions and I understand that I am bound by the LCA obligations as explained in this form

Labor Condition Application for Nonimmigrant Workers  
ETA Form 9035 & 9035E  
U.S. Department of Labor



Please read and review the filing instructions carefully before completing the ETA Form 9035 or 9035E. A copy of the instructions can be found at <http://www.foreignlaborcert.dol.gov/>. In accordance with Federal Regulations at 20 CFR 655.730(b), incomplete or obviously inaccurate Labor Condition Applications (LCAs) will not be certified by the Department of Labor. If the employer has received permission from the Administrator of the Office of Foreign Labor Certification to submit this form non-electronically, ALL required fields/items containing an asterisk (\*) must be completed as well as any fields/items where a response is conditional as indicated by the section (§) symbol.

A. Employment-Based Nonimmigrant Visa Information

1. Indicate the type of visa classification supported by this application (Write classification symbol): *	H-1B
--	------

B. Temporary Need Information

1. Job Title * WATER RESOURCES ENGINEER		
2. SOC (ONET/OES) code * 17-2051	3. SOC (ONET/OES) occupation title * CIVIL ENGINEERS	
4. Is this a full-time position? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Period of Intended Employment	
	5. Begin Date * (mm/dd/yyyy) 02/04/2013	6. End Date * (mm/dd/yyyy) 02/03/2016
7. Worker positions needed/basis for the visa classification supported by this application		
1 <input type="text"/> Total Worker Positions Being Requested for Certification *		
Basis for the visa classification supported by this application (indicate the total workers in each applicable category based on the total workers identified above)		
0 <input type="text"/> a. New employment *	1 <input type="text"/> d. New concurrent employment *	
0 <input type="text"/> b. Continuation of previously approved employment * without change with the same employer	0 <input type="text"/> e. Change in employer *	
0 <input type="text"/> c. Change in previously approved employment *	0 <input type="text"/> f. Amended petition *	

C. Employer Information

1. Legal business name * WRC CONSULTING SERVICES, INC.		
2. Trade name/Doing Business As (DBA), if applicable N/A		
3. Address 1 * 1800 E. GARRY AVENUE, SUITE 213		
4. Address 2 N/A		
5. City * SANTA ANA	6. State * CA	7. Postal code * 92705
8. Country * UNITED STATES OF AMERICA	9. Province N/A	
10. Telephone number * 9498338388	11. Extension N/A	
12. Federal Employer Identification Number (FEIN from IRS) * 330966228	13. NAICS code (must be at least 4-digits) * 541330	

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**D. Employer Point of Contact Information**

**Important Note:** The information contained in this Section must be that of an employee of the employer who is authorized to act on behalf of the employer in labor certification matters. The information in this Section must be different from the agent or attorney information listed in Section E, unless the attorney is an employee of the employer.

1. Contact's last (family) name *	2. First (given) name *	3. Middle name(s) *
WEBER	LAN-YIN	LI
4. Contact's job title * PRESIDENT		
5. Address 1 * 1800 E GARRY AVENUE, SUITE 213		
6. Address 2 N/A		
7. City * SANTA ANA	8. State * CA	9. Postal code * 92705
10. Country * UNITED STATES OF AMERICA		11. Province N/A
12. Telephone number *	13. Extension	14. E-Mail address
9498338388	302	LWEBER@WRCINC.NET

**E. Attorney or Agent Information (If applicable)**

1. Is the employer represented by an attorney or agent in the filing of this application? *		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If "Yes", complete the remainder of Section E below.		
2. Attorney or Agent's last (family) name §	3. First (given) name §	4. Middle name(s) §
N/A	N/A	N/A
5. Address 1 § N/A		
6. Address 2 N/A		
7. City §	8. State §	9. Postal code §
N/A	N/A	N/A
10. Country §		11. Province
N/A		N/A
12. Telephone number §	13. Extension	14. E-Mail address
N/A	N/A	N/A
15. Law firm/Business name §		16. Law firm/Business FEIN §
N/A		N/A
17. State Bar number (only if attorney) §		18. State of highest court where attorney is in good standing (only if attorney) §
N/A		N/A
19. Name of the highest court where attorney is in good standing (only if attorney) §		
N/A		

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F. Rate of Pay

1. Wage Rate (Required) From: \$ <u>35.00</u> * To: \$ <u>N/A</u>	2. Per: (Choose only one) * <input checked="" type="checkbox"/> Hour <input type="checkbox"/> Week <input type="checkbox"/> Bi-Weekly <input type="checkbox"/> Month <input type="checkbox"/> Year
---	---

G. Employment and Prevailing Wage Information

**Important Note:** It is important for the employer to define the place of intended employment with as much geographic specificity as possible. The place of employment address listed below must be a physical location and cannot be a P.O. Box. The employer may use this section to identify up to three (3) physical locations and corresponding prevailing wages covering each location where work will be performed and the electronic system will accept up to 3 physical locations and prevailing wage information. If the employer has received approval from the Department of Labor to submit this form non-electronically and the work is expected to be performed in more than one location, an attachment must be submitted in order to complete this section.

a. Place of Employment 1

1. Address 1 * 1800 E. GARRY AVENUE, SUITE 213	
2. Address 2 N/A	
3. City * SANTA ANA	4. County * ORANGE
5. State/District/Territory * CALIFORNIA	6. Postal code * 92705
Prevailing Wage Information (corresponding to the place of employment location listed above)	
7. Agency which issued prevailing wage § N/A	7a. Prevailing wage tracking number (if applicable) § N/A
8. Wage level * <input checked="" type="checkbox"/> I <input type="checkbox"/> II <input type="checkbox"/> III <input type="checkbox"/> IV <input type="checkbox"/> N/A	
9. Prevailing wage * \$ <u>30.50</u>	10. Per: (Choose only one) * <input checked="" type="checkbox"/> Hour <input type="checkbox"/> Week <input type="checkbox"/> Bi-Weekly <input type="checkbox"/> Month <input type="checkbox"/> Year
11. Prevailing wage source (Choose only one) * <input checked="" type="checkbox"/> OES <input type="checkbox"/> CBA <input type="checkbox"/> DBA <input type="checkbox"/> SCA <input type="checkbox"/> Other	
11a. Year source published * 2012	11b. If "OES", and SWA/NPC did not issue prevailing wage OR "Other" in question 11, specify source § OFLC ONLINE DATA CENTER

H. Employer Labor Condition Statements

**Important Note:** In order for your application to be processed, you MUST read Section H of the Labor Condition Application – General Instructions Form ETA 9035CP under the heading "Employer Labor Condition Statements" and agree to all four (4) labor condition statements summarized below:

- (1) **Wages:** Pay nonimmigrants at least the local prevailing wage or the employer's actual wage, whichever is higher, and pay for non-productive time. Offer nonimmigrants benefits on the same basis as offered to U.S. workers.
- (2) **Working Conditions:** Provide working conditions for nonimmigrants which will not adversely affect the working conditions of workers similarly employed.
- (3) **Strike, Lockout, or Work Stoppage:** There is no strike, lockout, or work stoppage in the named occupation at the place of employment.
- (4) **Notice:** Notice to union or to workers has been or will be provided in the named occupation at the place of employment. A copy of this form will be provided to each nonimmigrant worker employed pursuant to the application.

1. I have read and agree to Labor Condition Statements 1, 2, 3, and 4 above and as fully explained in Section H of the Labor Condition Application – General Instructions – Form ETA 9035CP. *	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
--	---

Labor Condition Application for Nonimmigrant Workers  
ETA Form 9035 & 9035E  
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I. Additional Employer Labor Condition Statements – H-1B Employers ONLY

**Important Note:** In order for your H-1B application to be processed, you **MUST** read Section I – Subsection 1 of the Labor Condition Application – General Instructions Form ETA 9035CP under the heading "Additional Employer Labor Condition Statements" and answer the questions below.

a. Subsection 1

1. Is the employer H-1B dependent? §	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
2. Is the employer a willful violator? §	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
3. If "Yes" is marked in questions 1.1 and/or 1.2, you must answer "Yes" or "No" regarding whether the employer will use this application <u>ONLY</u> to support H-1B petitions or extensions of status for exempt H-1B nonimmigrants? §	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A

If you marked "Yes" to questions 1.1 and/or 1.2 and "No" to question 1.3, you **MUST** read Section I – Subsection 2 of the Labor Condition Application – General Instructions Form ETA 9035CP under the heading "Additional Employer Labor Condition Statements" and indicate your agreement to all three (3) additional statements summarized below.

b. Subsection 2

- A. **Displacement:** Non-displacement of the U.S. workers in the employer's workforce
- B. **Secondary Displacement:** Non-displacement of U.S. workers in another employer's workforce; and
- C. **Recruitment and Hiring:** Recruitment of U.S. workers and hiring of U.S. workers applicant(s) who are equally or better qualified than the H-1B nonimmigrant(s).

4. I have read and agree to Additional Employer Labor Condition Statements A, B, and C above and as fully explained in Section I – Subsections 1 and 2 of the Labor Condition Application – General Instructions Form ETA 9035CP. §	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
---	---

J. Public Disclosure Information

**Important Note:** You **must** select from the options listed in this Section.

1. Public disclosure information will be kept at: *	<input checked="" type="checkbox"/> Employer's principal place of business <input type="checkbox"/> Place of employment
---	--

K. Declaration of Employer

By signing this form, I, on behalf of the employer, attest that the information and labor condition statements provided are true and accurate; that I have read sections H and I of the Labor Condition Application – General Instructions Form ETA 9035CP, and that I agree to comply with the Labor Condition Statements as set forth in the Labor Condition Application – General Instructions Form ETA 9035CP and with the Department of Labor regulations (20 CFR part 655, Subparts H and I). I agree to make this application, supporting documentation, and other records available to officials of the Department of Labor upon request during any investigation under the Immigration and Nationality Act. Making fraudulent representations on this Form can lead to civil or criminal action under 18 U.S.C. 1001, 18 U.S.C. 1546, or other provisions of law.

1. Last (family) name of hiring or designated official *	2. First (given) name of hiring or designated official *	3. Middle initial *
Weber	Lan-Yin	L
4. Hiring or designated official title *		
President		
5. Signature *		6. Date signed *
		02/08/2013

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**L. LCA Preparer**

**Important Note:** Complete this section if the preparer of this LCA is a person other than the one identified in either Section D (employer point of contact) or E (attorney or agent) of this application.

1. Last (family) name § N/A	2. First (given) name § N/A	3. Middle initial § N/A
4. Firm/Business name § N/A		
5. E-Mail address § N/A		

**M. U.S. Government Agency Use (ONLY)**

By virtue of the signature below, the Department of Labor hereby acknowledges the following:

This certification is valid from 02/04/2013 to 02/03/2016

William L. Carlson  
Department of Labor, Office of Foreign Labor Certification

02/06/2013

Determination Date (date signed)

I-200-13031-724740

CERTIFIED

Case number

Case Status

*The Department of Labor is not the guarantor of the accuracy, truthfulness, or adequacy of a certified LCA.*

**N. Signature Notification and Complaints**

The signatures and dates signed on this form will not be filed out when electronically submitting to the Department of Labor for processing, but **MUST** be complete when submitting non-electronically. If the application is submitted electronically, any resulting certification **MUST** be signed *immediately upon receipt* from the Department of Labor before it can be submitted to USCIS for further processing.

Complaints alleging misrepresentation of material facts in the LCA and/or failure to comply with the terms of the LCA may be filed using the WH-4 Form with any office of the Wage and Hour Division, Employment Standards Administration, U.S. Department of Labor. A listing of the Wage and Hour Division offices can be obtained at <http://www.dol.gov/esa>. Complaints alleging failure to offer employment to an equally or better qualified U.S. worker, or an employer's misrepresentation regarding such offer(s) of employment, may be filed with the U.S. Department of Justice, Office of the Special Counsel for Immigration-Related Unfair Employment Practices, 950 Pennsylvania Avenue, NW, Washington, DC, 20530. Please note that complaints should be filed with the Office of Special Counsel at the Department of Justice only if the violation is by an employer who is H-1B dependent or a willful violator as defined in 20 CFR 655.710(b) and 655.734(a)(1)(ii).

**O. OMB Paperwork Reduction Act (1205-0310)**

These reporting instructions have been approved under the Paperwork Reduction Act of 1995. Persons are not required to respond to this collection of information unless it displays a currently valid OMB control number. Obligations to reply are mandatory (Immigration and Nationality Act, Section 212(n) and (l) and 214(c)). Public reporting burden for this collection of information, which is to assist with program management and to meet Congressional and statutory requirements is estimated to average 1 hour per response, including the time to review instructions, search existing data sources, gather and maintain the data needed, and complete and review the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the U.S. Department of Labor, Room C-4312, 200 Constitution Ave. NW, Washington, DC 20210. (Paperwork Reduction Project OMB 1205-0310.) **Do NOT send the completed application to this address.**

# **Exhibit C**

**I-129, Petition for a  
Nonimmigrant Worker**

**START HERE - Type or print in black ink.**

**Part 1. Petitioner Information**

*(If the employer is an individual, complete Number 1; Organizations complete Number 2.) Use the mailing address of the petitioner.*

**1. Legal Name of Employer:**

**a. Last Name (Family Name)**

**b. First Name (Given Name)**

**c. Full Middle Name**

**2. Company or Organization:**

Name of Company or Organization

WRC Consulting Services, Inc.

**3. Mailing Address:**

**a. C/O: (In Care Of, if any)**

**b. Street Number and Name**

1800 E. Garry Avenue, Suite 213

**c. Suite/Apt. Number**

**d. City**

Santa Ana

**e. State/Province**

CA

**f. Country**

USA

**g. Zip/Postal Code**

92705

**h. Telephone Number (include area code) (Do not leave  
spaces or type any special characters)**

(949) 833-8388

**i. E-Mail Address**

lweber@wrcinc.net

**j. Federal Employer Identification  
Number**

33-0966228

**k. Individual Tax Number**

n/a

**l. Social Security Number**

n/a

Receipt

Class: \_\_\_\_\_

# of Workers: \_\_\_\_\_

Job Code: \_\_\_\_\_

Validity Dates: \_\_\_\_\_

From: \_\_\_\_\_

To: \_\_\_\_\_

☐ **Classification Approved**

☐ Consulate/POE/PFI Notified  
At \_\_\_\_\_

☐ Extension Granted

☐ COS/Extension Granted

**Partial Approval (explain)**

**Action Block**



**Part 2. Information About This Petition** *(See instructions for fee information.)*

1. Requested Nonimmigrant Classification *(Write classification symbol):* H-1B

2. Basis for Classification *(Check one):*

- ☐ a. New employment.
- ☐ b. Continuation of previously approved employment without change with the same employer.
- ☐ c. Change in previously approved employment.
- ☒ d. New concurrent employment.
- ☐ e. Change of employer.
- ☐ f. Amended petition.

3. Provide the most recent petition/application receipt number for the beneficiary. If none exists, indicate "N/A."

4. Requested Action *(Check one):*

- ☐ a. Notify the office in Part 4 so each beneficiary can obtain a visa or be admitted. *(NOTE: A petition is not required for an E-1, E-2, H-1B1 Chile/Singapore, or TN visa.)*
- ☐ b. Change each beneficiary's status and extend their stay since he, she, or they are all now in the U.S. in another status *(see instructions for limitations)*. This is available only where you check "New Employment" in Item 2, above.
- ☒ c. Extend the stay of each beneficiary since he, she, or they now hold this status.
- ☐ d. Amend the stay of each beneficiary since he, she, or they now hold this status.
- ☐ e. Extend the status of a nonimmigrant classification based on a Free Trade Agreement. *(See Free Trade Supplement for TN and H1B1 to Form I-129.)*
- ☐ f. Change status to a nonimmigrant classification based on a Free Trade Agreement. *(See Free Trade Supplement for TN and H1B1 to Form I-129.)*

5. Total number of workers in petition *(See instructions relating to when more than one worker can be included.):* 1



**Part 3. Beneficiary Information:** Information about the beneficiary/beneficiaries you are filing for. Complete the blocks below. Use the continuation sheet to name each beneficiary included in this petition.

1. If an Entertainment Group, Give the Group Name

N/A

a. Family Name (Last Name)

PALLACHULIA

b. Given Name (First Name)

KIRAN

c. Full Middle Name

KUMAR

d. All Other Names Used (include aliases, maiden name and names from all previous marriages)

NONE

e. Date of Birth (mm/dd/yyyy)

03/08/1974

f. Gender



Male



Female

g. U.S. Social Security Number (if any)

649-12-1045

h. A-Number (if any)

A-08-800-8212

i. Country of Birth

INDIA

j. Province of Birth

PONNUR, A.P.

k. Country of Citizenship

INDIA

2. If in the United States, complete the following:

a. Date of Last Arrival (mm/dd/yyyy)

11/10/2012

b. I-94 Number (Arrival/Departure Document)

23383563727

c. Current Nonimmigrant Status

H1-B

d. Date Status Expires (mm/dd/yyyy) or D/S

30/04/2015

e. Student & Exchange Visitor Information System (SEVIS) Number (if any)

N/A

f. Employment Authorization Document (EAD) Number (if any)

N/A

g. Passport Number

F1614684

h. Date Passport Issued (mm/dd/yyyy)

12/05/2005

i. Date Passport Expires (mm/dd/yyyy)

12/04/2015

j. Current U.S. Address (if applicable)

23172 Via Tuscany, Laguna Niguel, California 92766

**Part 4. Processing Information**

1. If the beneficiary or beneficiaries named in Part 3 is/are outside the United States or a requested extension of stay or change of status cannot be granted, state the U.S. consulate or inspection facility you want notified if this petition is approved.

a. Type of Office (Check one): ☒ Consulate ☐ Pre-flight inspection ☐ Port of Entry

b. Office Address (City)

HYDERABAD

c. U.S. State or Foreign Country

INDIA

d. Beneficiary's Foreign Address

FLAT#202, RAJESHWARI TOWERS, EAST MARREDPALLY, SECUNDERABAD, A.P., INDIA 500026



**Part 4. Processing Information (Continued)**

2. Does each person in this petition have a valid passport?

☐ Not required to have passport

☐ No - Go to Page 7, Part 9 and write your explanation

☒ Yes

3. Are you filing any other petitions with this one?

☒ No

☐ Yes - How many?

4. Are applications for replacement/initial I-94s being filed with this petition?

☒ No

☐ Yes - How many?

5. Are applications by dependents being filed with this petition?

☒ No

☐ Yes - How many?

6. Is any beneficiary in this petition in removal proceedings?

☒ No

☐ Yes - explain on Page 7, Part 9

7. Have you ever filed an immigrant petition for any beneficiary in this petition?

☒ No

☐ Yes - explain on Page 7, Part 9

8. If you indicated you were filing a new petition in Part 2 within the past 7 years, has any beneficiary in this petition:

a. Ever been given the classification you are now requesting?

☐ No

☒ Yes - explain on Page 7, Part 9

b. Ever been denied the classification you are now requesting?

☒ No

☐ Yes - explain on Page 7, Part 9

9. Have you ever previously filed a petition for this beneficiary?

☒ No

☐ Yes - explain on Page 7, Part 9

10. If you are filing for an entertainment group, has any beneficiary in this petition not been with the group for at least 1 year?

☒ No

☐ Yes - explain on Page 7, Part 9

11a. Has any beneficiary in this petition ever been a J-1 exchange visitor or J-2 dependent of a J-1 exchange visitor?

☒ No

☐ Yes

11b. If yes to 11a, provide the dates the beneficiary maintained status as a J-1 exchange visitor or J-2 dependent. Also, provide evidence of this status by attaching a copy of either a DS-2019, Certificate of Eligibility for Exchange Visitor status, a Form IAP-66, or a copy of the passport that includes the J visa stamp.

N/A

**Part 5. Basic Information About the Proposed Employment and Employer (Attach the supplement relating to the classification you are requesting.)**

1. Job Title

WATER RESOURCES ENGINEER

2. LCA or ETA Case Number

I-200-13031-724740

3. Address where the beneficiary(es) will work if different from address in Part 1. (Street number and name, city/town, state, zip code)

SAME AS IN PART 1

4. Is an itinerary included with the petition? ☒ No ☐ Yes

5. Will the beneficiary work off-site? ☒ No ☐ Yes

**Part 5. Basic Information About the Proposed Employment and Employer** (Attach the supplement relating to the classification you are requesting.) (Continued)

6. Will the beneficiary(ies) work exclusively in the CNMI? ☒ No ☐ Yes

7. Is this a full-time position?

☒ No ☐ Yes If "No," Hours per week: 24-40

8. Wages per week or per year:

\$816-\$1360 / WEEK

9. Other Compensation (Explain)

NONE

10. Dates of intended employment (mm/dd/yyyy):

From: 03/01/2013

To: 02/29/2016

11. Type of Business

CIVIL ENGINEERING

12. Year Established

2001

13. Current Number of Employees in the U.S.

6

14. Gross Annual Income

\$800,000.00

15. Net Annual Income

\$400,000.00

**Part 6. Certification Regarding the Release of Controlled Technology or Technical Data to Foreign Persons in the United States**

(For H-1B, H-1B1 Chile/Singapore, L-1, and O-1A petitions only. This section of the form is not required for all other classifications. See Page 3 of the Instructions before completing this section.)

Check Box 1 or Box 2 as appropriate:

With respect to the technology or technical data the petitioner will release or otherwise provide access to the beneficiary, the petitioner certifies that it has reviewed the Export Administration Regulations (EAR) and the International Traffic in Arms Regulations (ITAR) and has determined that:

- ☒ 1. A license is not required from either U.S. Department of Commerce or the U.S. Department of State to release such technology or technical data to the foreign person; or
- ☐ 2. A license is required from the U.S. Department of Commerce and/or the U.S. Department of State to release such technology or technical data to the beneficiary and the petitioner will prevent access to the controlled technology or technical data by the beneficiary until and unless the petitioner has received the required license or other authorization to release it to the beneficiary.



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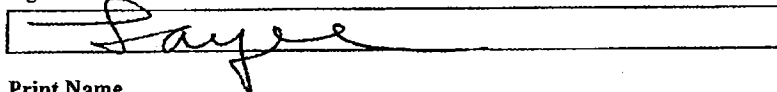
**Part 7. Signature** *Read the information on penalties in the instructions before completing this section.*

---

I certify, under penalty of perjury that this petition and the evidence submitted with it are true and correct to the best of my knowledge. I authorize the release of any information from my records, or from the petitioning organization's records that U.S. Citizenship and Immigration Services needs to determine eligibility for the benefit being sought. I recognize the authority of USCIS to conduct audits of this petition using publicly available open source information. I also recognize that supporting evidence submitted may be verified by USCIS through any means determined appropriate by USCIS, including but not limited to, on-site compliance reviews.

If filing this petition on behalf of an organization, I certify that I am authorized to do so by the organization.

Signature



Daytime Phone Number (Area/Country Code)

(949) 833-8388

Print Name

LAN-YIN WEBER, PRESIDENT

Date (mm/dd/yyyy)

02/08/2013

**NOTE:** If you do not completely fill out this form and the required supplement, or fail to submit required documents listed in the instructions, the person(s) filed for may not be found eligible for the requested benefit and this petition may be denied.

---

**Part 8. Signature of Person Preparing Form, If Other Than Above**

---

I declare that I prepared this petition at the request of the above person and I certify that it is true and correct to the best of my knowledge.

Signature

Daytime Phone Number (Area/Country Code)

Print Name

Date (mm/dd/yyyy)

Firm Name and Address



Department of Homeland Security  
U.S. Citizenship and Immigration Services

**H Classification**  
**Supplement to Form I-129**

1. Name of the petitioner

WRC CONSULTING SERVICES, INC.

2. Name of the beneficiary or if this petition includes multiple beneficiaries, the total number of beneficiaries

KIRAN KUMAR PALLACHULLA, ONE

3. List each beneficiary's prior periods of stay in H or L classification in the United States for the last 6 years (beneficiaries requesting H-2A or H-2B classification need only list the last 3 years). Be sure to only list those periods in which each beneficiary was actually in the United States in an H or L classification. Do not include periods in which the beneficiary was in a dependent status, for example, H-4 or L-2 status.

NOTE: Submit photocopies of Forms I-94, I-797, and/or other USCIS issued documents noting these periods of stay in the H or L classification. If more space is needed, attach an additional sheet.

Subject's Name	Period of Stay (mm/dd/yyyy)	
	From	To
KIRAN KUMAR PALLACHULLA	10/01/2004	01/31/2013

4. Classification sought (Check one):

- ☒ a. H-1B Specialty Occupation
- ☐ b. H-1B2 Exceptional services relating to a cooperative research and development project administered by the U.S. Department of Defense (DOD)
- ☐ c. H-1B3 Fashion model of national or international acclaim
- ☐ d. H-1C Registered Nurse
- ☐ e. H-2A Agricultural worker
- ☐ f. H-2B Non-agricultural worker
- ☐ g. H-3 Trainee
- ☐ h. H-3 Special education exchange visitor program

5. Are you filing this petition on behalf of an alien subject to the Guam-CNMI cap exemption under Public Law 110-229? ☒ No ☐ Yes

**Section 1. Complete This Section If Filing for H-1B Classification**

1. Describe the proposed duties

PLEASE SEE THE ATTACHED LETTER FROM THE EMPLOYER

2. Beneficiary's present occupation and summary of prior work experience

PRESENT OCCUPATION: PROJECT ENGINEER FOR AETHERON SCIENTIFIC INC.  
FOR PRIOR WORK EXPERIENCE, PLEASE REVIEW THE RESUME OF THE BENEFICIARY

---

**Section 1. Complete This Section If Filing for H-1B Classification (Continued)**

---

**Statement for H-1B specialty occupations only:**

By filing this petition, I agree to, and will abide by, the terms of the labor condition application (LCA) for the duration of the beneficiary's authorized period of stay for H-1B employment. I certify that I will maintain a valid employer-employee relationship with the beneficiary at all times. If the beneficiary is assigned to a position in a new location I will obtain and post an LCA for that site prior to reassignment.

I further understand that I cannot charge the beneficiary the ACWIA fee, and that any other required reimbursement will be considered an offset against wages and benefits paid relative to the LCA.

**Signature of Petitioner****Print or Type Name**

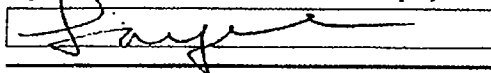
LAN-YIN WEBER, PRESIDENT

**Date (mm/dd/yyyy)**

02/08/2013

**Statement for H-1B specialty occupations and U.S. Department of Defense projects:**

As an authorized official of the employer, I certify that the employer will be liable for the reasonable costs of return transportation of the alien abroad if the beneficiary is dismissed from employment by the employer before the end of the period of authorized stay.

**Signature of Authorized Official of Employer****Print or Type Name**

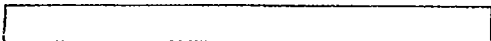
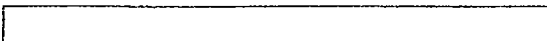
LAN-YIN WEBER, PRESIDENT

**Date (mm/dd/yyyy)**

02/08/2013

**Statement for H-1B U.S. Department of Defense projects only:**

I certify that the beneficiary will be working on a cooperative research and development project or a co-production project under a reciprocal government-to-government agreement administered by the U.S. Department of Defense.

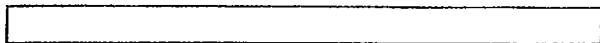
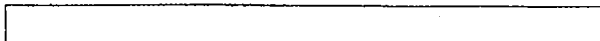

**Signature of DOD Project Manager****Print or Type Name****Date (mm/dd/yyyy)**

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**Section 2. Complete This Section If Filing For H-1C Classification**

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I certify under penalty of perjury, under the laws of the United States of America, that this attachment and the evidence submitted with it is true and correct. If filing this petition on behalf of an organization or entity, I certify that I am empowered to do so by that organization or entity. I authorize the release of any information from my records, or from the petitioning organization or entity's records, that U.S. Citizenship and Immigration Services may need to determine eligibility for the benefit being sought.

**Signature****Print or Type Name****Title****Date (mm/dd/yyyy)****Firm Name and Address**

Department of Homeland Security  
U.S. Citizenship and Immigration Services

## H-1B Data Collection and Filing Fee Exemption Supplement

1. Name of the petitioner

WRC CONSULTING SERVICES, INC.

2. Name of the beneficiary

KIRAN KUMAR PALLACHULLA

### Part A. General Information

#### 1. Employer Information - (check all items that apply)

- a. Is the petitioner an H-1B dependent employer? ☒ No ☐ Yes
- b. Has the petitioner ever been found to be a willful violator? ☒ No ☐ Yes
- c. Is the beneficiary an H-1B nonimmigrant exempt from the Dept. of Labor attestation requirements?
1. If yes, is it because the beneficiary's annual rate of pay is equal to at least \$60,000? ☐ No ☒ Yes
2. Or is it because the beneficiary has a master's or higher degree in a specialty related to the employment? ☐ No ☒ Yes
- d. Has the petitioner received TARP funding (provide explanation on Page 7, Part 9 if the petitioner has subsequently repaid all TARP funding)? ☒ No ☐ Yes
- e. Does the petitioner employ 50 or more individuals in the U.S.? ☒ No ☐ Yes
- If yes, are more than 50% of those employees in H-1B or L nonimmigrant status? ☐ No ☐ Yes

#### 2. Beneficiary's Highest Level of Education (Check one box below)

- ☐ a. NO DIPLOMA
- ☐ b. HIGH SCHOOL GRADUATE DIPLOMA or the equivalent (example: GED)
- ☐ c. Some college credit, but less than 1 year
- ☐ d. One or more years of college, no degree
- ☐ e. Associate's degree (for example: AA, AS)
- ☐ f. Bachelor's degree (for example: BA, AB, BS)
- ☒ g. Master's degree (for example: MA, MS, MEng, MEd, MSW, MBA)
- ☐ h. Professional degree (for example: MD, DDS, DVM, LLB, JD)
- ☐ i. Doctorate degree (for example: PhD, EdD)

#### 3. Major/Primary Field of Study

CIVIL ENGINEERING

#### 4. Rate of Pay Per Year

48,000 - 68,000

#### 5. DOT Code

0 0 5

#### 6. NAICS Code

3 3 4 5 1 6

### Part B. Fee Exemption Determination

In order for USCIS to determine if you must pay the additional \$1,500 or \$750 American Competitiveness and Workforce Improvement Act (ACWIA) fee, answer all of the following questions:

- ☒ No ☐ Yes 1. Are you an institution of higher education as defined in section 101(a) of the Higher Education Act of 1965, 20 U.S.C. 1001(a)?
- ☒ No ☐ Yes 2. Are you a nonprofit organization or entity related to or affiliated with an institution of higher education, as defined in section 101(a) of the Higher Education Act of 1965, 20 U.S.C. 1001(a)?
- ☒ No ☐ Yes 3. Are you a nonprofit research organization or a governmental research organization, as defined in 8 CFR 214.2(h)(19)(iii)(C)?
- ☒ No ☐ Yes 4. Is this the second or subsequent request for an extension of stay that this petitioner has filed for this alien?
- ☒ No ☐ Yes 5. Is this an amended petition that does not contain any request for extensions of stay?

**Part B. Fee Exemption and/or Determination (Continued)**

- ☒ No ☐ Yes 6. Are you filing this petition to correct a USCIS error?
- ☒ No ☐ Yes 7. Is the petitioner a primary or secondary education institution?
- ☒ No ☐ Yes 8. Is the petitioner a nonprofit entity that engages in an established curriculum-related clinical training of students registered at such an institution?
- If you answered "Yes" to any of the questions above, you are only required to submit the fee for your H-1B Form I-129 petition. If you answered "No" to all questions, answer Question 9.
- ☐ No ☒ Yes 9. Do you currently employ a total of 25 or fewer full-time equivalent employees in the United States, including all affiliates or subsidiaries of this company/organization?
- If you answered "Yes," to Question 9 above, you are required to pay an additional ACWIA fee of \$750. If you answered "No," then you are required to pay an additional ACWIA fee of \$1,500.

**NOTE:** On or after March 8, 2005, a U.S. employer seeking initial approval of H-1B nonimmigrant status for a beneficiary, or seeking approval to employ an H-1B nonimmigrant currently working for another U.S. employer, must submit an additional \$500 fee. This additional \$500 Fraud Prevention and Detection fee was mandated by the provisions of the H-1B Visa Reform Act of 2004. **There is no exemption from this fee.** You must include payment of this \$500 fee with your submission of this form. Failure to submit the fee when required will result in rejection or denial of your submission. *This \$500 fee must be paid by separate check or money order.*

For petitions postmarked on or after August 14, 2010, through September 30, 2014, an additional fee of \$2,000 must be submitted if you responded "yes" to both questions in 1e of Part A of this supplement. This \$2,000 fee was mandated by the provisions of Public Law 111-230 and should be submitted by separate check or money order.

The Fraud Prevention and Detection Fee and the Public Law 111-230 fee do not apply to H-1B1 petitions. **These fees, when applicable, may not be waived.** You must include payment of the fee(s) with your submission of this form. Failure to submit the fee(s) when required will result in rejection or denial of your submission. *Each of these fee(s) should be paid by separate check(s) or money order(s).*

**Part C. Numerical Limitation Information**

1. Specify how this petition should be counted against the H-1B numerical limitation (a.k.a. the H-1B "Cap"). (Check one):

- ☐ a. CAP H-1B Bachelor's Degree ☐ c. CAP H-1B1 Chile/Singapore
- ☐ b. CAP H-1B U.S. Master's Degree or Higher ☒ d. CAP Exempt

2. If you answered question 1b "CAP H-1B U.S. Master's Degree or Higher," provide the following information regarding the master's or higher degree the beneficiary has earned from a U.S. institution as defined in 20 U.S.C. 1001(a):

- a. Name of the U.S. institution of higher education

n/a

- b. Date Degree Awarded

n/a

- c. Type of U.S. Degree

n/a

- d. Address of the U.S. institution of higher education

n/a

3. If you answered question 1d "CAP Exempt," you must specify the reason(s) this petition is exempt from the numerical limitation for H-1B classification:

- ☐ a. The petitioner is an institution of higher education as defined in section 101(a) of the Higher Education Act, of 1965, 20 U.S.C. 1001(a).

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**Part C. Numerical Limitation Exemption Information (Continued)**

- ☐ b. The petitioner is a nonprofit entity related to or affiliated with an institution of higher education as defined in section 101(a) of the Higher Education Act of 1965, 20 U.S.C. 1001(a).
- ☐ c. The petitioner is a nonprofit research organization or a governmental research organization as defined in 8 CFR 214.2(h)(19)(iii)(C).
- ☐ d. The petitioner will employ the beneficiary to perform job duties at a qualifying institution (see a - c above) that directly and predominately furthers the normal, primary, or essential purpose, mission, objectives, or function of the qualifying institution, namely higher education or nonprofit or government research.
- ☐ e. The petitioner is requesting an amendment to or extension of stay for the beneficiary's current H-1B classification.
- ☐ f. The beneficiary of this petition is a J-1 nonimmigrant physician who has received a waiver based on section 214(1)(1)(B) or (C) of the Act (commonly called a Conrad Medical Waiver).
- ☒ g. The beneficiary of this petition: (1) was previously granted status as an H-1B nonimmigrant in the past 6 years, (2) is applying from abroad to reclaim the remaining portion of the six years, or (3) is seeking a 7th year extension based upon AC21 and the beneficiary's previous H-1B petitioner/employer was not a CAP exempt organization as defined above in a., b., and c.
- ☐ h. The petitioner is an employer subject to the Guam-CNMI cap exemption pursuant to Public Law 110-229.
- ☐ i. The petitioner is requesting a change of employer and the beneficiary previously worked as an H-1B for an employer subject to Guam-CNMI cap exemption pursuant to Public Law 110-229.

**Part D. Off-Site Assignment of H-1B Beneficiaries**

- ☒ No    ☐ Yes    a. The beneficiary of this petition will be assigned to work at an off-site location for all or part of the period for which H-1B classification sought.
- ☒ No    ☐ Yes    b. Placement of the beneficiary off-site during the period of employment will comply with the statutory and regulatory requirements of the H-1B nonimmigrant classification.
- ☒ No    ☐ Yes    c. The beneficiary will be paid the higher of the prevailing or actual wage at any and all off-site locations.



# **Exhibit D**



RECEIPT NUMBER WAC-13-089-50669		CASE TYPE I129 PETITION FOR A NONIMMIGRANT WORKER
RECEIPT DATE February 11, 2013	PRIORITY DATE	PETITIONER WRC CONSULTING SVCS INC
NOTICE DATE February 26, 2013	PAGE 1 of 2	BENEFICIARY A088 008 212 PALLACHULLA, KIRAN K.
WRC CONSULTING SVCS INC 1800 E GARRY AVE STE 213 SANTA ANA CA 92705		Notice Type: Approval Notice Class: H1B Valid from 03/01/2013 to 02/29/2016 Consulate:

The above petition has been approved. It is valid for the period shown above. The employment or training is concurrent to previously authorized employment or training in this classification. The named worker(s) are authorized to be employed for this concurrent employment or training for this period pursuant to the terms and conditions of the petition.

If the petitioner requested that the temporary stay of the named foreign worker(s) be extended, then the named workers' temporary stay has been extended for the period shown above.

Since this employment or training authorization stems from the filing of this petition, separate employment or training authorization documentation is not required.

The petitioner should give the lower portion of this notice to the named foreign worker(s). The worker(s) must keep the lower portion with his or her previous Form I-94, Departure Record. The worker must show it when requested by USCIS or any other component of the U.S. Department of Homeland Security. The I-94 portion should be given to the U.S. Customs and Border Patrol when he or she leaves the United States.

The upper portion of this notice should be kept by the petitioner to show that employment or training of the named worker(s) is authorized. It must be shown if requested by USCIS or any other component of the U.S. Department of Homeland Security.

The petitioner may file Form I-824, Application for Action on an Approved Application or Petition, to request us to notify a consulate, port of entry or pre-flight inspection office of this approval.

Please read the back of this form carefully for more information. If you have questions concerning tax

Please see the additional information on the back. You will be notified separately about any other cases you filed.

U.S. CITIZENSHIP & IMMIGRATION SVC  
CALIFORNIA SERVICE CENTER  
P. O. BOX 30111

LAGUNA NIGUEL CA 92607-0111

Customer Service Telephone: (800) 375-5283

Form I-797A (Rev. 10/31/05) N



PLEASE TEAR OFF FORM I-94 PRINTED BELOW, AND STAPLE TO ORIGINAL I-94 IF AVAILABLE

Detach This Half for Personal Records

Receipt# WAC-13-089-50669

I-94# 233835637 27

NAME PALLACHULLA, KIRAN K.

CLASS H1B

VALID FROM 03/01/2013 UNTIL 02/29/2016

PETITIONER: WRC CONSULTING SVCS INC  
1800 E GARRY AVE STE 213  
SANTA ANA CA 92705

233835637 27

Receipt Number WAC-13-089-50669

United States Citizenship and Immigration  
Services

I-94

Departure Record

Petitioner: WRC CONSULTING

14. Family Name PALLACHULLA	
15. First (Given) Name KIRAN	16. Date of Birth 03/08/1974
17. Country of Citizenship INDIA	



RECEIPT NUMBER WAC-13-089-50669		CASE TYPE I129 PETITION FOR A NONIMMIGRANT WORKER
RECEIPT DATE February 11, 2013	PRIORITY DATE	PETITIONER WRC CONSULTING SVCS INC
NOTICE DATE February 26, 2013	PAGE 2 of 2	BENEFICIARY A088 008 212 PALLACHULLA, KIRAN K.

(continued)  
Withholding, please contact the Internal Revenue Service. Changes in employment or training may require you to file a new Form I-129 petition.

The approval of this visa petition does not in itself grant any immigration status and does not guarantee that the alien beneficiary will subsequently be found to be eligible for a visa, for admission to the United States, or for an extension, change, or adjustment of status.

THIS FORM IS NOT A VISA NOR MAY IT BE USED IN PLACE OF A VISA.

The Small Business Regulatory Enforcement and Fairness Act established the Office of the National Ombudsman (ONO) at the Small Business Administration. The ONO assists small businesses with issues related to federal regulations. If you are a small business with a comment or complaint about regulatory enforcement, you may contact the ONO at [www.ombudsman.sba.gov](http://www.ombudsman.sba.gov) or phone 202-205-2417 or fax 202-481-5719.

NOTICE: Although this application/petition has been approved, USCIS and the U.S. Department of Homeland Security reserve the right to verify the information submitted in this application, petition and/or supporting documentation to ensure conformity with applicable laws, rules, regulations, and other authorities. Methods used for verifying information may include, but are not limited to, the review of public information and records, contact by correspondence, the internet, or telephone, and site inspections of businesses and residences. Information obtained during the course of verification will be used to determine whether revocation, rescission, and/or removal proceedings are appropriate. Applicants, petitioners, and representatives of record will be provided an opportunity to address derogatory information before any formal proceeding is initiated.

Please see the additional information on the back. You will be notified separately about any other cases you filed.

U.S. CITIZENSHIP & IMMIGRATION SVC

CALIFORNIA SERVICE CENTER

P. O. BOX 30111

LAGUNA NIGUEL CA 92607-0111

Customer Service Telephone: (800) 375-5283

Form I-797A (Rev. 10/31/05)N



PLEASE TEAR OFF FORM I-94 PRINTED BELOW, AND STAPLE TO ORIGINAL I-94 IF AVAILABLE

Detach This Half for Personal Records

VOID	VOID	VOID
Receipt#	VOID	VOID
I-94#	VOID	VOID
NAME	VOID	VOID
CLASS	VOID	VOID
VOID	VOID	VOID
VOID	VOID	VOID
PETITIONER:	VOID	VOID
VOID	VOID	VOID
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VOID	VOID	VOID
VOID	VOID	VOID

VOID	VOID	VOID
Receipt Number	VOID	VOID
United States Citizenship and Immigration Services	VOID	VOID
I-94	VOID	VOID
Departure Record	VOID	VOID
Petitioner	VOID	VOID
14. Family Name	VOID	VOID
15. First (Given) Name	VOID	16. Date of Birth
17. Country of Citizenship	VOID	VOID
VOID	VOID	VOID
VOID	VOID	VOID
VOID	VOID	VOID

Form I-797A (Rev. 10/31/05) N

**SUPERIOR COURT OF CALIFORNIA  
COUNTY OF ORANGE**

**ALTERNATIVE DISPUTE RESOLUTION (ADR)  
INFORMATION PACKAGE**

**NOTICE TO PLAINTIFF(S) AND/OR CROSS-COMPLAINANT(S):**

**Rule 3.221(c) of the California Rules of Court requires you to serve a copy of the ADR Information Package along with the complaint and/or cross-complaint.**

**California Rules of Court – Rule 3.221  
Information about Alternative Dispute Resolution (ADR)**

(a) Each court shall make available to the plaintiff, at the time of filing of the complaint, an ADR Information Package that includes, at a minimum, all of the following:

(1) General information about the potential advantages and disadvantages of ADR and descriptions of the principal ADR processes.

(2) Information about the ADR programs available in that court, including citations to any applicable local court rules and directions for contacting any court staff responsible for providing parties with assistance regarding ADR.

(3) Information about the availability of local dispute resolution programs funded under the Dispute Resolutions Program Act (DRPA), in counties that are participating in the DRPA. This information may take the form of a list of the applicable programs or directions for contacting the county's DRPA coordinator.

(4) An ADR stipulation form that parties may use to stipulate to the use of an ADR process.

(b) A court may make the ADR Information Package available on its Web site as long as paper copies are also made available in the clerk's office.

(c) The plaintiff must serve a copy of the ADR Information Package on each defendant along with the complaint. Cross-complainants must serve a copy of the ADR Information Package on any new parties to the action along with the cross-complaint.

**SUPERIOR COURT OF CALIFORNIA  
COUNTY OF ORANGE**

**ADR Information**

**Introduction.**

Most civil disputes are resolved without filing a lawsuit, and most civil lawsuits are resolved without a trial. The courts and others offer a variety of Alternative Dispute Resolution (ADR) processes to help people resolve disputes without a trial. ADR is usually less formal, less expensive, and less time-consuming than a trial. ADR can also give people more opportunity to determine when and how their dispute will be resolved.

**BENEFITS OF ADR.**

Using ADR may have a variety of benefits, depending on the type of ADR process used and the circumstances of the particular case. Some potential benefits of ADR are summarized below.

**Save Time.** A dispute often can be settled or decided much sooner with ADR; often in a matter of months, even weeks, while bringing a lawsuit to trial can take a year or more.

**Save Money.** When cases are resolved earlier through ADR, the parties may save some of the money they would have spent on attorney fees, court costs, experts' fees, and other litigation expenses.

**Increase Control Over the Process and the Outcome.** In ADR, parties typically play a greater role in shaping both the process and its outcome. In most ADR processes, parties have more opportunity to tell their side of the story than they do at trial. Some ADR processes, such as mediation, allow the parties to fashion creative resolutions that are not available in a trial. Other ADR processes, such as arbitration, allow the parties to choose an expert in a particular field to decide the dispute.

**Preserve Relationships.** ADR can be a less adversarial and hostile way to resolve a dispute. For example, an experienced mediator can help the parties effectively communicate their needs and point of view to the other side. This can be an important advantage where the parties have a relationship to preserve.

**Increase Satisfaction.** In a trial, there is typically a winner and a loser. The loser is not likely to be happy, and even the winner may not be completely satisfied with the outcome. ADR can help the parties find win-win solutions and achieve their real goals. This, along with all of ADR's other potential advantages, may increase the parties' overall satisfaction with both the dispute resolution process and the outcome.

**Improve Attorney-Client Relationships.** Attorneys may also benefit from ADR by being seen as problem-solvers rather than combatants. Quick, cost-effective, and satisfying resolutions are likely to produce happier clients and thus generate repeat business from clients and referrals of their friends and associates.

**DISADVANTAGES OF ADR.**

ADR may not be suitable for every dispute.

**Loss of protections.** If ADR is binding, the parties normally give up most court protections, including a decision by a judge or jury under formal rules of evidence and procedure, and review for legal error by an appellate court.

**Less discovery.** There generally is less opportunity to find out about the other side's case with ADR than with litigation. ADR may not be effective if it takes place before the parties have sufficient information to resolve the dispute.

**Additional costs.** The neutral may charge a fee for his or her services. If a dispute is not resolved through ADR, the parties may have to put time and money into both ADR and a lawsuit.

**Effect of delays if the dispute is not resolved.** Lawsuits must be brought within specified periods of time, known as statutes of limitation. Parties must be careful not to let a statute of limitations run out while a dispute is in an ADR process.

#### **TYPES OF ADR IN CIVIL CASES.**

The most commonly used ADR processes are arbitration, mediation, neutral evaluation and settlement conferences.

**Arbitration.** In arbitration, a neutral person called an "arbitrator" hears arguments and evidence from each side and then decides the outcome of the dispute. Arbitration is less formal than a trial, and the rules of evidence are often relaxed. Arbitration may be either "binding" or "nonbinding." *Binding arbitration* means that the parties waive their right to a trial and agree to accept the arbitrator's decision as final. Generally, there is no right to appeal an arbitrator's decision. *Nonbinding* arbitration means that the parties are free to request a trial if they do not accept the arbitrator's decision.

**Cases for Which Arbitration May Be Appropriate.** Arbitration is best for cases where the parties want another person to decide the outcome of their dispute for them but would like to avoid the formality, time, and expense of a trial. It may also be appropriate for complex matters where the parties want a decision-maker who has training or experience in the subject matter of the dispute.

**Cases for Which Arbitration May Not Be Appropriate.** If parties want to retain control over how their dispute is resolved, arbitration, particularly binding arbitration, is not appropriate. In binding arbitration, the parties generally cannot appeal the arbitrator's award, even if it is not supported by the evidence or the law. Even in nonbinding arbitration, if a party requests a trial and does not receive a more favorable result at trial than in arbitration, there may be penalties.

**Mediation.** In mediation, an impartial person called a "mediator" helps the parties try to reach a mutually acceptable resolution of the dispute. The mediator does not decide the dispute but helps the parties communicate so they can try to settle the dispute themselves. Mediation leaves control of the outcome with the parties.

**Cases for Which Mediation May Be Appropriate.** Mediation may be particularly useful when parties have a relationship they want to preserve. So when family members, neighbors, or business partners have a dispute, mediation may be the ADR process to use. Mediation is also effective when emotions are getting in the way of resolution. An effective mediator can hear the parties out and help them communicate with each other in an effective and nondestructive manner.

**Cases for Which Mediation May Not Be Appropriate.** Mediation may not be effective if one of the parties is unwilling to cooperate or compromise. Mediation also may not be effective if one of the parties has a significant advantage in power over the other. Therefore, it may not be a good choice if the parties have a history of abuse or victimization.

**Neutral Evaluation.** In neutral evaluation, each party gets a chance to present the case to a neutral person called an "evaluator." The evaluator then gives an opinion on the strengths and weaknesses of each party's evidence and arguments and about how the dispute could be resolved. The evaluator is

often an expert in the subject matter of the dispute. Although the evaluator's opinion is not binding, the parties typically use it as a basis for trying to negotiate a resolution of the dispute.

**Cases for Which Neutral Evaluation May Be Appropriate.** Neutral evaluation may be most appropriate in cases in which there are technical issues that require special expertise to resolve or the only significant issue in the case is the amount of damages.

**Cases for Which Neutral Evaluation May Not Be Appropriate.** Neutral evaluation may not be appropriate when there are significant personal or emotional barriers to resolving the dispute.

**Settlement Conferences.** Settlement conferences may be either mandatory or voluntary. In both types of settlement conferences, the parties and their attorneys meet with a judge or a neutral person called a "settlement officer" to discuss possible settlement of their dispute. The judge or settlement officer does not make a decision in the case but assists the parties in evaluating the strengths and weaknesses of the case and in negotiating a settlement. Settlement conferences are appropriate in any case where settlement is an option. Mandatory settlement conferences are often held close to the date a case is set for trial.

#### **ADDITIONAL INFORMATION.**

In addition to mediation, arbitration, neutral evaluation, and settlement conferences, there are other types of ADR, including conciliation, fact finding, mini-trials, and summary jury trials. Sometimes parties will try a combination of ADR types. The important thing is to try to find the type or types of ADR that are most likely to resolve your dispute.

To locate a dispute resolution program or neutral in your community:

- Contact the California Department of Consumer Affairs, Consumer Information Center, toll free, 1-800-852-5210
- Contact the Orange County Bar Association at (949) 440-6700
- Look in the telephone directories under "Arbitrators" or "Mediators"

Free mediation services are provided under the Orange County Dispute Resolution Program Act (DRPA). For information regarding DRPA, contact:

- Community Service Programs, Inc. (949) 250-4058
- Orange County Human Relations (714) 480-6572

For information on the Superior Court of California, County of Orange court ordered arbitration program, refer to Local Rule 360.

The Orange County Superior Court offers programs for Civil Mediation and Early Neutral Evaluation (ENE). For the Civil Mediation program, mediators on the Court's panel have agreed to accept a fee of \$300 for up to the first two hours of a mediation session. For the ENE program, members of the Court's panel have agreed to accept a fee of \$300 for up to three hours of an ENE session. Additional information on the Orange County Superior Court Civil Mediation and Early Neutral Evaluation (ENE) programs is available on the Court's website at [www.occourts.org](http://www.occourts.org).



# EXHIBIT B

1 CAROTHERS DISANTE & FREUDENBERGER LLP

Richard M. Green, State Bar No. 198504

2 rgreen@cdflaborlaw.com

Laura L. Saadeh, State Bar No. 130459

3 lsaadeh@cdflaborlaw.com

2600 Michelson Drive

4 Suite 800

Irvine, California 92612

5 Telephone: (949) 622-1661

Facsimile: (949) 622-1669

6 Attorneys for Defendants

7 WRC Consulting Services, Inc. and Lan-Yin Li Weber

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

9 **COUNTY OF ORANGE, CENTRAL JUSTICE CENTER**

10  
11 KIRAN PALLACHULLA, an individual,

12 Plaintiff,

13 vs.

14 WRC CONSULTING SERVICES, INC., a  
California Corporation; LAN-YIN LI WEBER,  
an individual and DOES 1-10, inclusive,

15 Defendants.  
16

) Case No. 30-2017-00910118-CU-CO-CJC

) Assigned for All Purposes To:

) Judge: Nathan Scott

) **ANSWER OF DEFENDANTS WRC  
CONSULTING SERVICES, INC. AND  
LAN-YIN LI WEBER TO COMPLAINT**

) Action Filed: March 21, 2017  
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Answer of Defendants WRC Consulting Services,  
Inc. and Lan-Yin Li Weber to Complaint

**ELECTRONICALLY FILED**

Superior Court of California,  
County of Orange

**04/20/2017** at 10:19:00 AM

Clerk of the Superior Court  
By Monique Ramirez, Deputy Clerk

1 Defendants WRC Consulting, Inc. and Individual Defendant Lan-Yin Li Weber  
2 (collectively "Defendants") hereby answer the Complaint ("Complaint") of Plaintiff Kiran  
3 Pallachulla ("Plaintiff"), on behalf of themselves and no other Defendant, as follows:

4 **I. GENERAL DENIAL**

5 Pursuant to the provisions of section 431.30(d) of the California Code of Civil Procedure,  
6 Defendants generally deny each and every material allegation in the Complaint, and specifically  
7 deny that Plaintiff has been damaged in any amount, sum, or manner whatsoever.

8 **II. AFFIRMATIVE DEFENSES**

9 Defendants have not completed their investigation of the facts of this case, have not  
10 completed discovery in this matter, and have not completed their preparation for trial. The  
11 affirmative defenses asserted herein are based on Defendants' knowledge, information, and belief  
12 at this time, and Defendants specifically reserve the right to modify, amend, or supplement any  
13 affirmative defense contained herein at any time.

14 Without conceding that they bear the burden of proof or persuasion as to any one of them,  
15 Defendants allege the following separate affirmative defenses to the Complaint. Unless otherwise  
16 stated, all Affirmative Defenses apply to all causes of action:

17 **FIRST AFFIRMATIVE DEFENSE**

18 (Failure to State a Claim)

19 1. The Complaint, and each cause of action therein, fails to state facts sufficient to  
20 constitute a cause of action against Defendants, or either of them.

21 **SECOND AFFIRMATIVE DEFENSE**

22 (No Personal Liability)

23 2. Individual Defendant Weber cannot be held liable for the claims alleged in the  
24 Complaint, and each cause of action therein, because she was not Plaintiff's employer nor a party  
25 to any contract with Plaintiff.

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**EIGHTH AFFIRMATIVE DEFENSE**

(Justification/Privilege/Legitimate Business Reason)

8. Defendants' actions with respect to the subject matters in each of the alleged causes of action were undertaken in good faith and for good cause, with the absence of malicious intent to injure Plaintiff, and constitute lawful, proper, privileged, and justified means to further the sole purpose of Defendant WRC to engage in and continue its lawful business activities. Furthermore, all decisions made with respect to Plaintiff's employment with Defendant WRC were reasonably based on legitimate, non-discriminatory reasons, and were made for proper business-related reasons that were neither arbitrary, capricious, nor unlawful, and were reasonably based upon the facts as Defendants understood them. By reason thereof, Plaintiff is barred, in whole or in part, from recovery on any of the alleged causes of action.

**NINTH AFFIRMATIVE DEFENSE**

(Plaintiff's Own Conduct)

9. Plaintiff is barred, in whole or in part, because if Plaintiff suffered or sustained any damage, injury, or detriment as alleged in the Complaint, such injury was caused by his own conduct.

**TENTH AFFIRMATIVE DEFENSE**

(Unjust Enrichment)

10. The Complaint, and each cause of action contained therein, is barred because any recovery from Defendants would result in Plaintiff's unjust enrichment because Defendants properly compensated Plaintiff for all monies earned and did not engage in any unlawful activity.

**ELEVENTH AFFIRMATIVE DEFENSE**

(Violation of Defendants' Constitutional Rights)

11. Any award of relief as sought by Plaintiff would violate the due process and excessive fine clauses of the Fifth, Eighth, and Fourteenth Amendments of the United States Constitution, as well as the Constitution of the State of California.

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1 **TWELFTH AFFIRMATIVE DEFENSE**

2 (No Violation of Underlying State or Federal Law - Business & Professions Code)

3 12. Defendants are not liable for violation of unlawful business practices under  
4 California Business and Professions Code §§ 17200 *et seq.* because they are not liable to Plaintiff  
5 for any alleged violation of any underlying state or federal laws.

6 **THIRTEENTH AFFIRMATIVE DEFENSE**

7 (Benefits of Business Practice)

8 13. Defendants are not liable for violation of California Business and Professions Code  
9 §§ 17200 *et seq.* because the benefits of Defendants' practices to Plaintiff outweigh whatever  
10 particular harm or impact the practices allegedly caused him.

11 **FOURTEENTH AFFIRMATIVE DEFENSE**

12 (No Unfair, Misleading, or Deceptive Business Practices)

13 14. Defendants are not liable for violation of California Business and Professions Code  
14 §§ 17200 *et seq.* because Defendant WRC's business practices were not unfair, not deceptive, and  
15 not likely to mislead anyone.

16 **FIFTEENTH AFFIRMATIVE DEFENSE**

17 (Adequate Remedy at Law)

18 15. The relief requested by Plaintiff under California Business and Professions Code  
19 §§ 17200 *et seq.* should be denied because Plaintiff has an adequate remedy at law.

20 **SIXTEENTH AFFIRMATIVE DEFENSE**

21 (No Willfulness/Good Faith)

22 16. Defendants did not act willfully or with knowledge or reckless disregard as to  
23 whether their conduct violated California and/or federal wage and hour laws. Rather, Defendants  
24 acted in good faith and had reasonable grounds for believing that their actions were in compliance  
25 with California and federal wage and hour laws.

26 **SEVENTEENTH AFFIRMATIVE DEFENSE**

27 (Good Faith Dispute)

28 17. The Complaint, and each cause of action therein, fail to state a claim for penalties

1 under California Labor Code § 203 because there is a good faith dispute as to Defendants'  
2 obligation to pay any wages that may be found to be due.

3 **EIGHTEENTH AFFIRMATIVE DEFENSE**

4 (No Knowledge, Authorization, or Ratification)

5 18. Defendants are not liable for the alleged damages of Plaintiff because if any person  
6 engaged in intentional, willful, or unlawful conduct as alleged in the Complaint, he or she did so  
7 without the knowledge, authorization, or ratification of Defendants.

8 **NINETEENTH AFFIRMATIVE DEFENSE**

9 (No Entitlement to Injunctive Relief)

10 19. Plaintiff is precluded from obtaining injunctive relief, either in whole or in part,  
11 because he has not and cannot allege or prove that irreparable harm will result if injunctive relief is  
12 denied.

13 **TWENTIETH AFFIRMATIVE DEFENSE**

14 (Comparative Fault)

15 20. Defendants' conduct is not the sole and proximate cause of Plaintiff's alleged  
16 damages and losses, if any. Any damages awarded to Plaintiff must be apportioned according to  
17 the respective fault and legal responsibility of all parties, persons, and entities, or their agents and  
18 employees who contributed to and/or caused the alleged damages, if any, according to the proof  
19 presented at the time of trial.

20 **TWENTY-FIRST AFFIRMATIVE DEFENSE**

21 (Failure to Comply with Employer's Directions – California Labor Code Section 2856)

22 21. Plaintiff's alleged causes of action are barred, in whole or in part, because Plaintiff  
23 did not comply substantially with all the directions of his employer concerning the service for  
24 which he was engaged.

25 **TWENTY-SECOND AFFIRMATIVE DEFENSE**

26 (Laches)

27 22. The Complaint, and each cause of action therein, is barred, in whole or in part, by  
28 the doctrine of laches.

1 **TWENTY-THIRD AFFIRMATIVE DEFENSE**

2 (Waiver, Estoppel, and/or Consent)

3 23. The Complaint, and each cause of action therein, is barred, in whole or in part, by  
4 the doctrines of waiver, estoppel, and/or consent.

5 **TWENTY-FOURTH AFFIRMATIVE DEFENSE**

6 (Unclean Hands)

7 24. The Complaint, and each cause of action therein, is barred, in whole or in part, by  
8 the doctrine of unclean hands.

9 **TWENTY-FIFTH AFFIRMATIVE DEFENSE**

10 (Avoidable Consequences Doctrine)

11 25. The Complaint, and each claim for equitable and/or monetary relief therein, is  
12 barred, in whole or in part, on the basis of the avoidable consequences doctrine.

13 **TWENTY-SIXTH AFFIRMATIVE DEFENSE**

14 (Attorneys' Fees Not Recoverable)

15 26. Plaintiff is precluded from recovering attorneys' fees from Defendants under  
16 applicable provisions of law (for some or all causes of action), including, without limitation,  
17 California Code of Civil Procedure § 1021.

18 **TWENTY-SEVENTH AFFIRMATIVE DEFENSE**

19 (Bad Faith)

20 27. The Complaint was brought by Plaintiff in bad faith and is frivolous, unreasonable,  
21 and groundless, and by reason of the conduct stated herein Defendants are entitled to, and will  
22 seek, reasonable expenses, including attorneys' fees, incurred in defending this action pursuant to  
23 California Code of Civil Procedure § 128.7.

24 **TWENTY-EIGHTH AFFIRMATIVE DEFENSE**

25 (Offset)

26 28. If it is determined that Defendants owe monetary damages to Plaintiff, Defendants  
27 are entitled to an offset to the extent Plaintiff owes money to Defendants, or any of them.

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1 **TWENTY-NINTH AFFIRMATIVE DEFENSE**

2 (After Acquired Evidence)

3 29. Plaintiff's claims are barred, in whole or in part, due to circumstances that existed  
4 on or before the date of Plaintiff's resignation, that were discovered by Defendants after the  
5 resignation, that if known to Defendants, would have constituted reasons for Defendant not to have  
6 hired Plaintiff or to have terminated the employment relationship sooner.

7 **THIRTIETH AFFIRMATIVE DEFENSE**

8 (Labor Code § 2854)

9 30. Plaintiff is not entitled to relief for the claims alleged in the Complaint because he  
10 did not perform the services which he agreed to perform for Defendant WRC and did not use  
11 ordinary care and diligence in carrying out services for Defendant WRC.

12 **THIRTY-FIRST AFFIRMATIVE DEFENSE**

13 (Additional Affirmative Defenses)

14 31. Defendants allege that they presently have insufficient knowledge or information on  
15 which to form a belief as to whether they, or either of them, may have additional, as yet unstated,  
16 defenses available. Defendants reserve the right to assert additional defenses as permitted by the  
17 California Code of Civil Procedure, the Federal Rules of Civil Procedure and/or Court order in the  
18 event discovery or investigation indicates that they would be appropriate.

19 **III. PRAYER**

20 WHEREFORE, Defendants WRC Consulting Services, Inc. and Individual Defendant Lan-  
21 Yin Li Weber pray for judgment as follows:

22 (1) That Plaintiff's Complaint and each cause of action therein be dismissed with  
23 prejudice;

24 (2) That Plaintiff take nothing by Plaintiff's Complaint;

25 (3) That Defendants be awarded their costs incurred herein and reasonable attorneys'  
26 fees pursuant to California Labor Code § 128.7; and

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1 (4) That the Court orders such other and further relief for Defendants as the Court may  
2 deem just and proper.

3  
4 Dated: April 20, 2017

CAROTHERS DISANTE & FREUDENBERGER LLP  
Richard M. Green  
Laura L. Saadeh

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7 By:  \_\_\_\_\_

Laura L. Saadeh

8 Attorneys for Defendants  
9 WRC Consulting Services, Inc. and Lan-Yin Li Weber  
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1 **PROOF OF SERVICE**

2 STATE OF CALIFORNIA, COUNTY OF ORANGE.

3 I, the undersigned, declare that I am employed in the aforesaid County, State of California.  
4 I am over the age of 18 and not a party to the within action. My business address is 2600  
5 Michelson Drive, Suite 800, Irvine, California 92612.

6 On April 20, 2017, I served upon the interested party(ies) in this action the following  
7 document described as: **ANSWER OF DEFENDANTS WRC CONSULTING SERVICES,  
8 INC. AND LAN-YIN LI WEBER TO COMPLAINT**

9 By placing a true copy thereof enclosed in sealed envelope(s) addressed as stated below: for  
10 processing by the following method:

11 Navneet S. Chugh  
12 Nishita Patel  
13 CHUGH LLP  
14 15925 Carmentia Road  
15 Cerritos, California 90703


16 FAX: (562) 22-1221

17 ☒ By placing such envelope(s) with postage thereon fully prepaid into Carothers DiSante &  
18 Freudenberger LLP's interoffice mail for collection and mailing pursuant to ordinary  
19 business practice. I am familiar with the office practice of Carothers DiSante &  
20 Freudenberger LLP for collecting and processing mail with the United States Postal  
21 Service, which practice is that when mail is deposited with the Carothers DiSante &  
22 Freudenberger LLP personnel responsible for depositing mail with the United States Postal  
23 Service, such mail is deposited that same day in a post box, mailbox, sub-post office,  
24 substation, mail chute, or other like facility regularly maintained by the United States Postal  
25 Service in Irvine, California.

26 I declare under penalty of perjury under the laws of the State of California that the  
27 foregoing is true and correct.

28 Executed on April 20, 2017, at Irvine, California.

Irena M. Sims  
(Type or print name)

  
(Signature)

1 **PROOF OF SERVICE**

2 STATE OF CALIFORNIA, COUNTY OF ORANGE.

3 I, the undersigned, declare that I am employed in the aforesaid County, State  
4 of California. I am over the age of 18 and not a party to the within action. My  
5 business address is 2600 Michelson Drive, Suite 800, Irvine, California 92612.

6 On April 21, 2017, I served upon the interested party(ies) in this action the  
7 following document described as: **DEFENDANTS WRC CONSULTING  
8 SERVICES, INC.'S AND LAN-YIN LI WEBER'S NOTICE OF REMOVAL  
9 OF ACTION TO FEDERAL COURT PURSUANT TO 28 U.S.C. SECTIONS  
10 1331 AND 1441(a) (FEDERAL QUESTION)**

11 By placing a true copy thereof enclosed in sealed envelope(s) addressed as  
12 stated below: for processing by the following method:

13 Navneet S. Chugh  
14 Nishita Patel  
15 CHUGH LLP  
16 15925 Carmentia Road  
17 Cerritos, California 90703

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20 DiSante & Freudenberger LLP's interoffice mail for collection and mailing  
21 pursuant to ordinary business practice. I am familiar with the office practice  
22 of Carothers DiSante & Freudenberger LLP for collecting and processing mail  
23 with the United States Postal Service, which practice is that when mail is  
24 deposited with the Carothers DiSante & Freudenberger LLP personnel  
25 responsible for depositing mail with the United States Postal Service, such  
26 mail is deposited that same day in a post box, mailbox, sub-post office,  
27 substation, mail chute, or other like facility regularly maintained by the United  
28 States Postal Service in Irvine, California.

I declare under penalty of perjury under the laws of the State of California that  
the foregoing is true and correct.

Executed on April 21, 2017, at Irvine, California.

Irena M. Sims

(Type or print name)



(Signature)